

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

**Writ Petition Nos. 21160 of 2013, 21312 of 2013, 21538 of 2013,
22098 of 2013, 22489 of 2013, 22761 of 2013, 23348 of 2013, 30668
of 2013, 38388 of 2014 and 40023 of 2015**

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Common Order:

All these Writ Petitions are being disposed of by this common order as they relate to the challenge made to the recruitment of Junior Plant Attendants under the Physically Challenged quota pursuant to the notifications dated 05.01.2011 and 17.10.2011.

2. The petitioners are the applicants to the posts of Junior Plant Attendants under the Physically Handicapped quota. Initially, under notification dated 05.01.2011 applications were invited for 1086 vacancies and it was followed by a supplemental notification dated 17.10.2011 adding 669 new posts. Out of the said posts, 50 posts were earmarked for general candidates and 15 posts were earmarked for women candidates under Physically Handicapped quota. The notification does not give details of the said vacancies. However, the petitioners appeared for the written examination and they were short listed for the Trade test in the ratio of 1:3. A provisional selection list was also prepared basing on 1% quota each earmarked for Visually Handicapped, Hearing Handicapped and Orthopaedically Handicapped. However, at the time of making appointments, the appointments were made ignoring the said categorization and making the appointments only in respect of candidates belonging to Orthopaedically Handicapped quota. Such appointments are challenged in the present Writ Petitions.

3. This Court, by an order dated 19.07.2013, directed the respondents to inform the appointed candidates under Physically Handicapped quota that their appointment would be subject to result in the Writ Petitions.

4. This Court, after hearing the counsel, by an order dated

29.01.2016, directed to file additional counter affidavit explaining the vacancy position, the vacancies that can be earmarked for disabled persons and the relative merit of the candidates who have applied pursuant to the notification under the disabled persons category.

5. When the additional counter affidavit was not filed, this Court ordered the presence of the Chief Manager (HR), who is now called as Joint Secretary (Personal), AP GENCO, and the Director (HR), TS GENCO, and pursuant to the same, they are present in person and filed additional counter affidavits.

6. It is stated in the additional counter affidavit that in the 100 point roster prepared under Regulation 22 of the Service Regulations, three posts shall be reserved for Physically Handicapped persons and in the instant case the written examination was held on 18.12.2011. Thereafter, the qualified candidates in the ratio of 1:3 were called for Trade test and the Trade test was held on 13.04.2013. Since the Power Generating Stations involved hazardous processes, it was found that Visually Handicapped and Hearing Handicapped candidates may not be suitable for the post and a decision was taken to convert 1% of the vacancies earmarked for them to Orthopaedically Handicapped in terms of G.O.Ms.No.23, dated 26.05.2011, which was adopted by the then APGENCO on 22.12.2012. In the notification, 50 vacancies were earmarked for Physically Handicapped (General) and 15 vacancies were earmarked for Physically Handicapped (women) including backlog vacancies. Consequent to the bifurcation of the State, 27 posts and 38 posts respectively were allocated to Telangana and Andhra Pradesh. Out of the said total posts, there are certain posts earmarked for land losers. Though a provisional selection list was prepared as per 1% quota earmarked for respective handicapped persons, at the time of final selection it was decided to fill up 3% of the vacancies only with Orthopaedically Handicapped candidates. It is submitted that if the action taken by the respondents is not permissible

as per law, the selection list for 20 candidates (after deleting 7 posts meant for land losers) in respect of Telangana area and balance posts in respect of Andhra Pradesh area have to be recast involving cancellation of appointments of certain appointed candidates. The respondents fairly submitted that they would undertake such exercise in view of the intimation to the candidates appointed under Physically Handicapped quota that their appointments would be subject to further orders in the Writ Petitions.

7. At this stage, learned counsel for the petitioners brought to the notice of this Court G.O.Ms.No.23, Department for Women, Children, Disabled and Senior Citizens (DW), dated 26.05.2011, providing for recruitment of male candidates in the place of women candidates who were not available even after carrying forward the vacancies in a particular year. In the present selections also there are certain backlog vacancies, which could be filled up, if such women candidates are not available by male candidates by implementing the said G.O.Ms.No.23, dated 26.05.2011.

8. In the circumstances, all the Writ Petitions are allowed by setting aside the final selections made to the post of Junior Plant Attendants under Physically Handicapped quota and directing the respondents to redraw the list as per 1% reservation provided to each category of Physically Handicapped candidates and issue orders of appointment to the eligible candidates after due verification of their eligibility and after issuing due notices to the already appointed candidates within a period of four (4) weeks from the date of receipt of a copy of this order. It is needless to observe that in preparing such revised list, the respondents can take into consideration G.O.Ms.No.23, Department for Women, Children, Disabled and Senior Citizens (DW), dated 26.05.2011. There shall be no order as to costs.

9. In respect of Writ Petition No.21160 of 2013, learned counsel for

the petitioner submits that the petitioner passed ITI in July 2006 and the required marks of '10' were not granted to the petitioner and he was granted only '8' marks and this Court is not in a position to decide the case conclusively and liberty is given to the petitioner to submit a representation to the respondents for considering the grievance of the petitioner before redrawing the list as aforesaid.

10. As a sequel thereto, the miscellaneous applications, if any, pending in these Writ Petitions shall stand closed.

A.
Date: 11.08.2016
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RAMALINGESWARA RAO, J