

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.33993 of 2011

ORDER: *(Per Hon'ble Sri Justice V.Ramasubramanian)*

Aggrieved by the dismissal of her application by the Andhra Pradesh Administrative Tribunal, challenging the selection of the 3rd respondent herein to the post of Librarian, the unsuccessful candidate has come up with the present writ petition.

2) Heard Mr. M.Jagannatha Sarma, learned counsel for the petitioner and the learned Government Pleader for Services.

3) The Andhra Pradesh Public Service Commission issued a notification on 30.12.2008 inviting applications for 116 posts of Librarian in the A.P. Intermediate Education Subordinate Services. The petitioner as well as the 3rd respondent participated along with several others in the process of selection. Eventually, the petitioner secured 152 marks out of 330 and the 3rd respondent secured 158 marks out of 330.

4) Therefore, the 3rd respondent was selected. But her selection was challenged by the petitioner before the Andhra Pradesh Administrative Tribunal on the ground that the 3rd respondent actually applied for the post in Zone-VI and that she could not have been accommodated as a City Cadre. This argument was rejected by the Tribunal on the ground that the 3rd respondent was eligible to be considered even as a City Cadre, by virtue of her education in Secunderabad for the requisite number of years as

stipulated by the Presidential Order issued under Article 371-D of the Constitution. Aggrieved by the said order, the petitioner is before us.

5) As between the petitioner and the 3rd respondent, the fact that the 3rd respondent is more meritorious, as she has secured more marks in the selection process, is obvious from the records. If the application of the 3rd respondent has been confined only to Zone-VI, probably the petitioner would have succeeded.

6) But that was not the end of the issue. The erstwhile combined State of Andhra Pradesh was divided into Six(6) Zones from Zone-I to Zone-VI. City of Hyderabad was treated as a separate entity namely City Cadre, in respect of few departments like Police Department and including perhaps the Intermediate Education Department.

7) There is no dispute about the fact that the 3rd respondent was brought up in the City of Secunderabad and satisfied the criteria as laid down by the Presidential Order, 1974 to be treated as a City Cadre. Therefore, the fact that she indicated Zone-VI, to which she was also eligible, would not take away her right to be considered as a City Cadre.

8) It must be pointed out at this stage that City Cadre comprises of only the cities of twin cities of Hyderabad and Secunderabad. But Zone-VI comprises of larger area including the cities of Hyderabad and Secunderabad as well as one or two neighbouring Districts.

9) Therefore, when a person, who was given only one column to fill up the Zone, chooses to Zone-VI which consists of a larger area, the blame cannot be on her for the exercise of such an option. So long as it is not denied that the 3rd respondent had fulfilled the criteria for being treated as a local candidate in the City Cadre, the appointment given to her cannot be assailed.

10) Therefore, the Tribunal was right in dismissing the application of the petitioner. Hence, the Writ Petition is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V.RAMASUBRAMANIAN, J

U.DURGA PRASAD RAO, J

Date: 06.12.2016
Scs/Murthy

