

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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Writ Petition No. 15973 of 2015

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Kolan Srinivas

...Petitioner

Vs.

The Union of India, rep. by its
Secretary, Ministry of Finance,
Department of Financial Service,
Jeevan Deep, Parliament Street, New Delhi
and others.

...Respondents

ORDER PRONOUNCED ON : 10.08.2016

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : YES
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : NO
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : NO
see the fair copy of the Judgment?

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 15973 of 2015

Order:

Heard the Petitioner in person and the learned Counsel for the
Respondents.

2. The petitioner is a LIC Agent in the City Branch-12,
Secunderabad, under the jurisdiction of the South Central Zone. The

third respondent issued a Notification No.CO/Mktg/DO-1 (ADO-2009-10) dated 04.03.2010 inviting applications for the post of Apprentice Development Officer. He applied for the said post on line on 10.04.2010 under LIC Agent Category under OBC quota. The written test was held on 13.06.2010. He secured 21 marks in Paper-I and 19 marks in Paper-II, in all 40 marks. He possessed NCC (C) Certificate also. He filed the present Writ Petition stating that 173 candidates were selected who got less than 40 marks and 170 vacancies are unfilled and a separate notification was issued for filling up of 699 vacancies by notification dated 01.06.2015.

3. A counter affidavit is filed stating that in respect of agent category candidates there will be age relaxation but all other conditions of eligibility applicable to the open market candidates are applicable to the agent category candidates also. The petitioner applied for the post of Apprentice Development Officer (ADO) under Hyderabad Division for which cut off marks fixed were '75'. Since the petitioner secured only '40' marks as against the cut off marks of '75' for OBC candidates in respect of Hyderabad Division, he was not called for interview. The cut off marks vary from Division to Division and each Division is treated as a separate unit. The interviews were conducted division-wise and ranking list was prepared accordingly. It was further stated that there is no reservation for NCC candidates irrespective of the nature of certificates obtained by them.

4. The petitioner filed a reply affidavit stating that it is incorrect to state that each Division is a separate unit instead of State being the unit. The said stand is contrary to Regulation No.12(VI) of the LIC ADO Regulations, 1999. Apart from that, he also filed a copy of the Regulations applicable to the post.

5. In the light of the above averments, the point that arises for consideration is whether the post of Apprentice Development Officer (ADO) is a Divisional Post or Zonal Post or State Post. If it is a

Divisional Post, whether the petitioner is entitled for consideration of his case in spite of his obtaining '40' marks in the written test.

6. There is no dispute that the employment notification issued on 04.03.2010 was for a total number of 685 posts under 18 Divisions including Hyderabad Division having 32 vacancies. The age limit prescribed for LIC agent who is a member of OBC is 40 years. The selection procedure consists of a written test which is of objective type, multiple choice of two hours duration having two papers in test of reasoning and numerical ability and general knowledge, current affairs and English language with special emphasis on grammar and vocabulary. The recruitment notification is issued by Zonal Office. There is no dispute with regard to eligibility of the petitioner for applying to the said post.

7. The Life Insurance Corporation of India framed regulations called Life Insurance Corporation of India (Recruitment of Apprentice Development Officers) Regulations, 1999. The mode of selection is stated as follows.

5. Mode of Selection:

1) Selection for recruitment of Apprentice Development Officers shall be made by Zonal Manager by inviting applications through notifications in at least two newspapers having circulation in the area in which the Divisional office is situated.

2) The eligible candidates shall appear for a written test and, on being declared successful in the same, for an interview by a committee constituted for the purpose by the Zonal Manager and consisting of one officer not below the rank of Divisional Manager and two officers not below the rank of Assistant Divisional Manager. The Zonal Manager shall have absolute discretion in the matter of prescription of minimum marks for a candidate to be declared successful in the written test and to stipulate the number of candidates to be called for the interview. The candidates shall be ranked in the order of the aggregate of their marks in the written test and the interview and selection shall be made from among them by the Zonal Manager in the order of their merit having regard to the number of Apprentice Development Officers proposed to be recruited.

Where the Zonal Manager does not accept the evaluation of a candidate by the Interview Committee, he shall

record the reasons for such disagreement and after, interviewing the candidate himself, pass such orders as he deems fit.”

8. As per Para 7 thereof, the recruitment of Apprentice Development Officers shall be made by the Senior/Divisional Manager-in-charge of the Divisional Office. Separate instructions were issued for implementation of the regulations. It is stated that the Divisional Offices should actually ascertain the State-wise reservation percentages from time to time and should follow the instructions. With regard to working out of the reservations separate instructions were given. It was stated that based on the roster points of the State (in which the Divisional office is located), the Divisional Office should calculate the vacancies to be reserved for SC/ST/OBC for current year recruitment. The candidates eligible for ADO recruitment are classified into three streams, viz., General Category, Employees Category and Open Market Category. It was stated in para 15 that the vacancies shall be notified by the Zonal Manager and the mode of selection is stated as follows:

7. Mode of Selection:

a) There will be a written test with two papers of objective type as per details given below and it shall be common for all categories.

i) Paper – I - Test of Reasoning and Numerical Ability.

ii) Paper – II – General Knowledge, Current Affairs and English Language with special emphasis on Grammar and Vocabulary.

b) The test will be administered in two languages viz. Hindi and English (except English Language). The test consists of two papers of objective type and it shall be common for all categories.

c) The maximum marks and the duration of the written test shall be decided by LIC of India in consultation with the recruiting agency.”

The passing of marks are stated as follows.

“g) Passing Marks:

The candidate must pass in each paper separately and should also obtain minimum marks in the aggregate of the two papers to qualify for the interview. The minimum marks to be obtained in each paper and in the aggregate

shall be decided by LIC of India. The marks obtained by the candidate in each paper and in the aggregate shall be arrived at after deduction of the marks for wrong answers. The marks to be deducted as penalty for each question for which a wrong answer has been given by the candidate will be decided by LIC of India. LIC of India reserves the right to fix the minimum eligibility standard in order to restrict the number of candidates to be called for the written test and/or interview, commensurate with number of vacancies. Decision of the Corporation in this regard shall be final and binding on the candidates. No correspondence shall be entertained in this regard.”

9. The Zonal Manager shall constitute the selection committee consisting of one Officer not below the rank of Divisional Manager and two officers not below the rank of Assistant Divisional Manager, one of the members shall be from SC/ST community. The number of candidates to be called for interview is three times the number of vacancies to be filled in. After the evaluation of answer sheets, a merit list of successful candidates based on the percentage total marks obtained in the test will be prepared by the recruiting agency, division-wise and sent to the respective Zonal Managers. The selection committee should prepare a panel of candidates equivalent to the number of vacancies on the basis of the marks obtained in the written test and interview. The vacancies earmarked for the Division by the Zonal Manager shall be filled in by the candidates from the panel in the order of ranking. The selected candidate may be posted in another District. As per para 19, the Senior/Divisional Manager-in-charge of the Division is the appointing authority of the Apprentice Development Officer.

10. Thus, a reading of the above instructions read with Regulations clearly show that the post of Apprentice Development Officer is a Divisional Post, though notification is issued by the Zonal Office.

11. In respect of Andhra Pradesh, in 100 points roster, 16 points were earmarked for SCs, 7 points were earmarked for STs and 27 points were earmarked for OBCs.

12. In the instant case, there is no dispute that the petitioner obtained 40 marks in the written test and the cut off mark for OBC candidates is '75'. Since the petitioner did not obtain those marks, he was not called for interview. Since this Court held that the post of Apprentice Development Officer is a Divisional post, in the absence of cut off marks obtained by the petitioner in respect of Hyderabad division, the petitioner cannot seek any relief for calling him to the interview when there are more meritorious candidates. In view of the post being divisional post the petitioner cannot compare with other candidates who obtained lesser marks in other divisions as each division is treated as a separate unit.

13. In view of the same, the Writ Petition is dismissed. There shall be no order as to costs.

14. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.

RAMALINGESWARA RAO, J

Date: 10th August 2016

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