

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 9537 of 2015

Order:

The second respondent issued notification for filling up of the post of Junior Assistant on regular basis on 28.02.2014. The petitioner attended the written test on 21.12.2014 and obtained 35 marks. Since the petitioner is in-service candidate, he is entitled for two marks of weightage for each year of service up to the maximum of 20 marks. Since the petitioner put in 20 years of service, he states that he got 55 marks. When the selection list was released on 14.03.2015 and the name of the petitioner did not find place, the present Writ Petition was filed mainly alleging that the persons who got lesser marks were selected ignoring the marks secured by the petitioner.

2. The respondents filed a counter affidavit stating that in Writ Appeal No.110 of 2014 and batch, dated 25.07.2014, the Division Bench of this Court restricted the weightage marks to 20% and hence the written test was conducted for 80 marks. The petitioner got 35 marks and after giving weightage he got 55 marks. The cut-off marks for open category candidates belonging to non-local area is 65 and to local area is 61, but the petitioner compared his marks with reserved category candidates belonging to Ex-servicemen category and Physically Handicapped category. The final selection list was placed on the website on 04.04.2015 and appointment orders were issued on 07.04.2015. After the interim orders passed by this Court the merit list was thoroughly verified and it was noticed that the petitioner got 55 marks only. The submission made by the petitioner that he got 56 marks was found to be not correct. Pursuant to the interim orders, an order dated 12.05.2015 was issued to the petitioner.

3. It is clear from the above facts that the petitioner was under the misconception that though he got only 55 marks he is entitled for selection in the open category when the cut-off marks for open

category candidates belonging to non local area was 65. The position was made clear in the counter affidavit as well as in the letter issued on 12.05.2015. The petitioner could not have compared his merit with reserved candidates. In view of the same, this Court sees no ground to allow the writ petition and the same is liable to be dismissed.

4. The Writ Petition is, accordingly, dismissed. However, it is open to the petitioner to take appropriate proceedings in accordance with law, if he is still aggrieved. There shall be no order as to costs.

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

A.
Date: 21.06.2016
Nsr

RAMALINGESWARA RAO, J