

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.27836 of 2014 and
CONTEMPT CASE No.2047 of 2014

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Between:
Mohammad Aslam

....Petitioner

and

The Telangana Genco,
Rep.by its Managing Director,
Vidyuth Soudha, Hyderabad,
And another.

....Respondents

JUDGMENT 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?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.27836 of 2014
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COMMON ORDER:

The petitioner passed SSC and ITI (Electrician) and belongs to BC-E community. When the respondents issued a notification on 05.01.2011 followed by a supplemental notification dated 17.10.2011 notifying 12 vacancies in BC-E category in KTPP, the petitioner applied. He underwent

the process of selection and got 65.99 marks. He was not selected as the cut off marks was 66.01. It is the case of the petitioner that though five candidates were selected, three candidates were not qualified due to various reasons and the case of the petitioner should have been considered in one of the vacancies. In those circumstances, he filed the present Writ Petition seeking a direction to the respondents to consider his case in one of the unfilled vacancies due to the disqualification incurred by the provisionally selected candidates under BC-E category.

This Court, by order dated 20.09.2014, directed the respondents to consider the case of the petitioner for appointment to the post of Junior Plant Attendant in place of disqualified and deleted candidates. When the same was not considered, the petitioner filed C.C.No.2047 of 2014, and the same is also taken up for consideration along with the present Writ Petition.

The respondents filed a counter affidavit admitting the issuance of notification on 05.01.2011 inviting applications from eligible candidates for filling up of 1086 posts of Junior Plant Attendants. A supplemental notification was also issued on 17.10.2011 duly adding 669 new vacancies in addition to 1086 posts already notified. Thus the total vacancies notified were 1755 including backlog vacancies. 50% of those vacancies were reserved for land losers/displaced persons. The post of Junior Plant Attendant is categorized as "District Cadre Post" vide G.O.O.No.276/JS(Per.)/2008, dated 02.09.2008. The process of selection comprises of 30 marks allocated against marks obtained in the qualifying examination, weightage of 10 marks @ 2 marks for each completed year of passing after passing the qualifying examination, but before the date of notification, and service weightage. The total marks secured by the petitioner in all categories is 65.99 and the cut off marks for BC-E group was 66.01 marks. Hence, the name of the petitioner did not find place in the provisional selection list of 1:1. In view of the orders passed by this Court on 20.09.2014, an order was passed on 27.09.2014 rejecting the request of the petitioner as the fallout vacancies due to any reason shall be notified in the next recruitment only.

In the counter affidavit filed in the Contempt Case it was denied that there are three vacancies unfilled due to the disqualification incurred by the selected candidates. It was stated that though they were found to have been disqualified for various reasons, in a subsequent development on final verification of records all the three were given approval for appointment. Accordingly, they reported for work.

A perusal of the notification dated 05.01.2011 shows that 12 vacancies for the post of Junior Plant Attendant under BC-E category were notified for Kakatiya Thermal Power Project. Though the petitioner's native is Khammam, his application was considered for Warangal (KTPP) as he studied in Warangal. Out of 13 vacancies, 5 vacancies are meant for BC-E (W). As on the date of the filing of the Writ Petition, no post remained unfilled and all the posts were filled. The petitioner got less marks than the cut off marks arrived at for the BC-E candidates and hence his name did not figure in the selection list. As per G.O.Ms.No.81, dated 22.02.1997, adopted by the erstwhile APSEB vide B.P(P&G-Per).Ms.No.100, dated 23.07.1997, the recruitment to the notified vacancies shall be made by equal number of candidates and there cannot be any waiting list. Since all the posts were filled up, the petitioner cannot claim consideration of his case in respect of unfilled vacancies, if any.

In view of the above, the Writ Petition is dismissed. As a result, the Contempt Case is also dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

10.08.2016
vs