

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.43020 of 2015

DATED : 04.01.2016

Between:

Karnati Jaswanth S/o.K. Venkateshwarlu,
Aged about 25 yrs, Occu : Unemployee,
R/o.1-7-233, (Flat No.502), Parimala Homes,
IV, Road No.10, Chaitanyapuri, Saroornagar,
Ranga Reddy District – 500 060.

.. Petitioner

AND

Telangana State Power Generation Corporation Ltd.,
Vidyut Soudha, Somajiguda, Hyderaabad – 500 060,
Rep., by Chairman and Managing Director & 3 others.

.. Respondents

The Court made the following:

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ORDER:

Petitioner claims to be a sports man in addition to educational qualifications possessed by him. The 1st respondent issued employment notification dated 23.09.2015 calling for applications to fill up the posts of Assistant Engineer in different branches, in all 856 vacancies. Petitioner responded to the said notification, written test was held and petitioner appeared in the written test. This writ petition is instituted contending that the notification does not envisage reservation in favour of sports persons, though it is the policy of the Government to provide 2% reservation in employment in favour of distinguished sports persons and to this extent Government issued notification vide G.O.Ms.No.74 Youth Advancement, Tourism and Culture (Sports) Department, dated 09.08.2012. The said notification applies to all Organisations including the respondent-Corporation. Therefore, it is mandatory for the respondent-Corporation to incorporate 2% reservation in favour of the sports persons and not providing reservation to sports persons, is *ex-facie* illegal.

2. Learned senior counsel representing the respondent-Corporation, submits that the petitioner having responded to the impugned notification and having participated in the selections, it

is not open for him to challenge the recruitment notification and he cannot seek reservation in favour of sports persons at this stage, when recruitment process has already commenced. In support of his contention that having responded to the notification and participated in the selection process, it is not open to challenge the recruitment notification, learned Senior counsel placed reliance on a decision of Hon'ble Supreme Court, reported in ***Ramesh Chandra Shah V Anil Joshi***^[1].

3. As seen from the averments made in the affidavit filed in support of this writ petition, petitioner is one of the candidates responded to the recruitment notification dated 23.09.2015. Recruitment notification has not ear marked reservation in favour of sports persons. The relief sought for by the petitioner would only amount to providing reservation in the pending recruitment in favour of sports persons and restricting consideration only to such of those candidates to the notification who are also sports persons. It is to be noted that there may be many sports persons similar to petitioner who need employment but did not respond to the notification since no quota is provided for them. They will be deprived of opportunity to compete. Concept of open recruitment is to afford opportunity to all eligible persons to compete. The recruitment has to be in accordance with the parameters set out in the notification and the notification must contain all details

4. Further more, even assuming that the recruitment orders in G.O.Ms.No.74 is binding on the respondent-Corporation, what is relevant for consideration is the recruitment Rules and Regulations should provide for such reservation and if recruitment Regulations have provided such reservation, but the same is not followed when recruitment process is initiated, the Court can hold that such

recruitment process without providing for reservation for sports persons as illegal. It appears so far no such provision is made in the Regulations concerning recruitment by the respondent-Corporation. Even otherwise, petitioner ought to have objected at the first instance when the notification was issued. But having responded to the notification and participated in the selection process, it is not open to him to ask for reservation for sports persons at this stage. There cannot be any exclusive consideration of candidates who have already responded merely because some of them like the petitioner are sports persons by providing reservation to sports persons.

5. As held by the Hon'ble Supreme Court in ***Ramesh Chandra Shah's*** case (Para No.17 & 18) relied upon by the learned Senior counsel a person who consciously takes part in the process of selection cannot, thereafter turn around and question the method of selection and its outcome.

6. Thus, leaving it open to the petitioner to work out his remedies with reference to the provision of reservation in employment for sports persons in the respondent Corporation, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 04th January, 2016
Rds

[\[1\]](#) (2013) 11 SCC