

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE G. SHYAM PRASAD

Writ Petition No.46021 of 2016

ORDER: *(per V. Ramasubramanian, J.)*

The Andhra Pradesh Public Service Commission, Hyderabad, has come up with the above writ petition, challenging an order passed by the Andhra Pradesh Administrative Tribunal, setting aside the rejection of the candidature of the 1st respondent herein for appointment to the post of Assistant Motor Vehicle Inspector.

2. Heard M/s. K. Rajyalakshmi, learned standing counsel for the petitioner.

3. The fact that the 1st respondent belongs to the Scheduled Tribe and the fact that he secured higher marks in the written examination as well as in the interview are all admitted. The original ground on which the candidature of the 1st respondent was rejected was that he had "Decayed teeth". But the Tribunal found that as per the medical certificate issued by the Medical Board, it was not a case of decayed teeth, but a case of "filling".

4. Once it is admitted that the 1st respondent was meritorious, having been selected in the written examination and interview, it may not be fair on the part of the petitioner to put the issue of health especially under the category of a person "with decayed teeth" to deprive the 1st respondent of his chance of appointment. Therefore, the Tribunal was right in granting the relief to the 1st respondent. We find no reasons to interfere with the order.

Accordingly, the writ petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

Date: 28-12-2016

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