

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.2303 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India with the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of certiorari, call for the records relating to the Notification No.1 of 2015 issued by the Respondent No.1 and also revised final Merit list dated 10.05.2015 and declare the non-appointment of the petitioners from the post of Junior Mining Engineer Trainee (JMET) as illegal, arbitrary and discriminatory and in violation of Articles 14, 16 and 21 of the Constitution of India besides in violation of notification mentioned above and Presidential order 19785, consequently direct the respondents to consider the petitioners’ representation dated 25.12.2015 and 04.01.2016 for the said posts under non-local quota in terms of Notification Clause NO.6, in the interest of justice and pass such other order or orders as deemed fit and proper in the circumstances.”

2. Heard Sri M.A.K. Mukheed, learned counsel for the petitioners and Sri J. Srinivasa Rao, learned Standing Counsel for the respondents.

3. In response to a notification bearing No.1/15, issued by the respondent Organisation, inviting applications for various posts including Junior Mining Engineer Trainee (JMET), petitioners herein applied for the post of JMET. The grievance of the petitioners, as evident from the pleadings on record, is that the respondents herein may not implement condition No.6(c) of the notification.

4. A counter affidavit deposited by the General Manager (Personnel), respondent No.1, RC, IR & PM of the respondent Company is filed and paragraph 8 of the said counter affidavit reads as under:

“In reply to para-13, it is to submit that the Respondent Company is implementing the Presidential Order more so Clause-6(c) of the Notification and in case the petitioners come within the zone of consideration subject to their satisfying the conditions laid down in the notification, their cases will be definitely considered.”

5. While referring to the above said paragraph, it is submitted by the learned Standing Counsel for the respondent Company that the presumption of the petitioners is baseless. To elaborate the same it is submitted by the learned Standing Counsel that the respondent Company is strictly adhering to the abovementioned condition of the notification subject to the petitioners satisfying the other conditions stipulated in the notification.

6. In view of the above, the Writ Petition stands disposed of directing the respondent Company to act in accordance with the conditions of the notification and also in accordance with the averments made at paragraph 8 of the counter affidavit, as extracted above, while filling up the vacancies.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE A.V. SESA SAI

March 9, 2016

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