

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No.1222 OF 2016

JUDGMENT: (Per Hon'ble Sri Justice V. Ramasubramanian)

Aggrieved by an *interim* direction granted by the learned single Judge, pending a main writ petition, the Telangana State Public Service Commission, has come up with the present writ appeal.

Heard the learned Additional Advocate General, appearing for the State Public Service Commission, and Mr. Pratap Narayan Sanghi, learned counsel appearing for the 1st respondent.

By a notification bearing No.20/2015, dated 30.12.2015, the Telangana Public Service Commission invited applications for recruitment to several posts included in Group-II services of the State. Originally, the written examination was scheduled to be held on 24th and 25th of April, 2016. The selection was to be through a written examination, which was to be of objective type, followed by oral interview. It was clearly indicated in the notification that the selection will be based upon a written examination of an objective type, conducted with OMR sheets.

For reasons with which we are not now concerned, the written examination was postponed to a subsequent date. In the meantime, since there was no indication in the notification about the language in which the examination will be conducted, the first respondent claims to have submitted a representation on 14.10.2016 requesting them as to whether the answers could be made in Urdu also. On the ground that there was no response to the said representation, the first respondent filed a writ petition seeking a *mandamus* to direct the respondents to furnish the

question paper in Urdu language. The examinations are now scheduled to be held on 11th and 13th November, 2016.

In the said writ petition, the learned Judge passed an order on 09.11.2016 directing the Public Service Commission to arrange to conduct Group II.B services examinations in Urdu for candidates hailing from ten districts of Telangana, as per the directives already contained in G.O.Ms. No.275, dated 19.05.1982. Aggrieved by the said order, the Public Service Commission is before us.

It is true that the notification does not contain any inkling about the language in which a written examination will be conducted. But, the notification for recruitment was issued on 30.12.2015. It is stated that more than seven lakh candidates have applied and the questions are of objective type, to be valued in OMR sheets. Therefore, the direction given by the learned Judge is practically impossible of being complied with, unless the scheduled examinations are postponed. Therefore, public interest requires that such an *interim* order cannot be sustained, at least for the current examination.

The notification for recruitment merely indicates the posts to be filled up as posts falling in Group-II services. Admittedly, the Government Order namely G.O.Ms. No.275, dated 19.05.1982, covers only posts in Group-II.B and Group-IV services. A contention is raised by the learned Additional Advocate General that the posts now notified do not fall under Group-II.B services. We do not think that we need to go into the said question in view of the fact that the learned single Judge's direction is also confined only to those posts included only in Group-II.B. If the posts covered by present notification do not fall under Group-II.B, then the *interim* order will not apply to the present notification.

Therefore, taking into account the practicality of the issue, the writ appeal is allowed. The *interim* order granted by the learned Judge is set-aside. However, this shall not have a bearing upon the claim of the petitioner with respect to G.O.Ms. No.275, dated 19.05.1982, for future recruitments. No order as to costs.

As a sequel to disposal of the writ appeal, miscellaneous petitions, if any, pending in this writ appeal, shall stand closed as infructuous.

V. RAMASUBRAMANIAN, J

Date: 10-11-2016.
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G. SHYAM PRASAD, J



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(Judgment of the Division Bench delivered by
Hon'ble Sri Justice V. Ramasubramanian)

Date. 10-11-2016

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