

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**TUESDAY, THE TWENTY THIRD DAY OF
AUGUST TWO THOUSAND AND SIXTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.981 of 2011

Between:

Bathula Veeraiah, s/o. Abbaiah, Age:30 years, Occ:Coolie,
R/o.Ramannagudem Village, Athmakur (S) Mandal, Nalgonda
District.

. Petitioner

AND

The Additional Program Officer, National Rural Employment
Guarantee Scheme, Athmakur(S), Nalgonda District and others.

.. Respondents

The Court made the following:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.981 of 2011

ORDER

Petitioner earlier worked under the National Rural Employment Guarantee Scheme (scheme), where-under minimum of 100 working days was assured to the rural people. According to petitioner, he worked for 46 days in his individual capacity. The second respondent initiated steps to recruit Rozgar Sevak to Ramannagudem Village of Athmakur Mandal in Nalgonda District. Petitioner also competed for the said selection. Ignoring the petitioner, 5th respondent was selected. Challenging the same, this writ petition is filed.

2. According to learned counsel for the petitioner, petitioner worked for 46 days under the scheme as against 40 working days by the 5th respondent. In accordance with the scheme of selection of Rozgar Sevak, persons, who render more number of man days, have to be preferred than the persons, who worked for less number of man days. In terms of the said scheme, petitioner ought to have been selected when he has rendered more number of days. Learned counsel further submitted that the man days worked by the 5th respondent were mentioned in the job card by counting as man days of the family members and 5th respondent was selected illegally.

3. Learned Standing Counsel representing the second respondent submits that as per the statement filed by petitioner at page 19, 5th respondent worked for more number of days i.e., 69 as compared to the petitioner i.e., 64 and therefore, the selection of 5th respondent was validly made. According to learned standing counsel, the household days and the number of days worked by the petitioner are put together and taken into consideration. In the case of petitioner also, the total number of days rendered under the household card issued to the petitioner was completed. As seen from the household card, job card filed by the petitioner as annexure Ex.P3, the job card was issued in the name of the family and contains the name of the petitioner as well as his wife. It appears, a similar job card was issued to 5th respondent's family. Learned counsel for the petitioner fairly submits that no instructions are available to show that while making selections to the post of Rozgar Sevak against individual, work rendered by the person should be counted, but not following the output given by the family.

4. In the absence of any clear instructions which would disentitle the computation of total man days under the household card, it cannot be said that the procedure adopted by the respondents in ignoring the petitioner and selecting the 5th respondent is illegal. Further more, learned standing counsel informs that the services of 5th respondent were terminated on 30.09.2015. In view of the same, no relief as prayed for can be granted.

5. The Writ Petition is accordingly dismissed. However, it is

needless to observe that if fresh selection is taken up, petitioner is entitled to be considered in accordance with the process of selection. Dismissal of writ petition cannot come in the way of such consideration. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed.

P.NAVEEN

RAO, J

23rd August, 2016

sj