

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

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WRIT PETITION No.17273 OF 2015

Between:

Bhukya Ram Prasad S/o Tejya

....Petitioner

A n d

The Singareni Collieries Company Limited and one another

....Respondents

DATE OF ORDER: 05.01.2016

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 17273 OF 2015

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ORDER:

With the consent of both the learned counsel, this Writ Petition is taken up for disposal.

2. The Singareni Collieries Company Limited has issued employment notification No.1/2015 calling for applications from eligible candidates for filling up of various categories of posts notified. One of the posts notified is Management Trainee (E&M). The petitioner applied to the post of Management Trainee (E&M). As per the recruitment notification, applications are to be submitted online and after the applications are successfully submitted online the candidate has to take out print out of the successful uploaded application and by enclosing certificates in proof of age, qualification, experience etc., the candidate has to send the application to the Recruitment Cell by registered post to be received on or before 4.3.2015.

3. Petitioner submitted application online by following due procedure as indicated in the notification and he sent the physical form of application along with the documents in support of the eligibility criterion. In proof of age, the petitioner submitted community, nativity and date of birth certificate issued by the Mandal Revenue Officer. On scrutiny of the applications, the petitioner's application was not accepted on the ground that the petitioner did not submit Secondary School Certificate in proof of age. Aggrieved thereby, this Writ Petition is filed

4. Learned Counsel appearing for the petitioner contends that as per the recruitment notification, the candidate is required to fill up the relevant columns on online application and in support of various entries made, he has to submit relevant certificates along with the

physical form of application. The petitioner has submitted community, nativity and date of birth certificate issued by the competent authority as proof of his age. The notification does not indicate that for the purpose of proof of age, the candidate is required to submit SSC certificate. Counsel, therefore, submits that when there is no such requirement to submit SSC certificate, there is no justification in rejecting the application of the petitioner.

5. Having regard to the contention of the petitioner, this Court by order dated 22.6.2015 directed the petitioner to produce original SSC certificate before the competent authority and on such production, the second respondent was directed to issue hall ticket. Accordingly, the petitioner produced original SSC certificate before the second respondent and on such production the second respondent issued hall ticket and the petitioner was permitted to write examination on 28.6.2015. The result of the examination was announced on 1.7.2015. However, the result of the petitioner was withheld on the ground that the writ petition is pending.

6. Praying to vacate the interim order granted by this Court on 22.6.2015, the respondent-Company filed WVMP No. 2024 of 2015. The petitioner filed WPMP No. 29997 of 2015 to direct the respondents to declare the result of the petition.

7. The only stand of the respondents is, ordinarily to verify whether the entries made by the petitioner regarding date of birth are true and valid, the SSC certificate is required and since the petitioner did not submit the SSC certificate, the entry made by the petitioner with regard to the date of birth was not accepted and the application was validly rejected.

8. The selections to the post of Management Trainee (E&M) are in accordance with the recruitment notification No. 1/2015. A candidate, responding to the said notification has to fulfill the requirements as mentioned in the notification. A bare look at the various paragraphs under the head 'steps to be followed for submitting on line application

for the above posts' only requires the candidate to submit certificate in proof of age. The sub para (v) of the said paragraph does not indicate furnishing of SSC certificate as mandatory requirement in proof of age. When there is no such requirement prescribed in the recruitment notification, the competent authority could not have rejected the application submitted by the petitioner on that ground.

9. Be that as it may, the petitioner has subsequently produced the original certificate of SSC before the competent authority as per the directions of this Court. A copy of the SSC certificate is also filed in the material papers at page No. 21. The date of birth entry in the SSC certificate and the date of birth recorded in the 'community, nativity and date of birth certificate' are one and the same i.e., 13.03.1991. Therefore, on this specious ground of not furnishing SSC certificate in proof of age, the application of the petitioner ought not to have been rejected. Hence, the action of the respondents is illegal.

10. Accordingly, the Writ Petition is allowed and the respondents are directed to announce the result of the petitioner and to consider the case of the petitioner for appointment to the post of Management Trainee (E&M) if he is otherwise eligible. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

P. NAVEEN RAO, J

Date: 05.1.2016
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