

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SMT JUSTICE ANIS

WRIT PETITION No.29332 of 2015

Date:18.3.2016

Between:

The State of Telangana, repled by its
Principal Secretary to Govt., Home
Department, Hyderabad and three others.

....**Petitioners**

And:

Boosa Lingam, S/o Srihari and
five others.

.....**Respondents**

Counsel for the petitioners: GP for Services (TS)

Counsel for Respondent No.1: Mr. Krishna Murthy Vydyula

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Petition is filed for a *Certiorari* to quash order, dated 21.11.2014, in Original Application No.1309 of 2012 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal').

We have heard the learned Government Pleader for Services (Telangana State) appearing for the petitioners and Mr. Krishna Murthy Vydyula, learned counsel for respondent No.1.

The facts in brief are that respondent No.1 belongs to B.C-D category. He applied for the post of Sub-Inspector of Police (Civil)/Armed Reserve Sub-Inspector

in pursuance of notification, dated 30.12.2008, issued by the Chairman, State Level Police Recruitment Board of the erstwhile State of Andhra Pradesh (for short 'petitioner No.2-Board'). Respondent No.1 claims to be a native of Nizamabad District and thereby, he is a 'local' falling under Zone-VI. He has scored 265 marks in the written examination held for the post of Sub-Inspector of Police (Civil) and 210 marks in the written examination held for the post of Armed Reserve Sub-Inspector. He stated in his application that he is a 'local' falling under Zone-VI and does not belong to the creamy layer of BC-D category, as per G.O.Ms.No.3, dated 04.4.2006, and also annexed the necessary certificates thereto. As petitioner No.2-Board refused to select him to either of the two posts referred to above, respondent No.1 filed O.A.No.8390 of 2011 before the Tribunal which, by order, dated 09.12.2011, directed the petitioners to consider his case for either of the said two posts on the basis of the Study Certificates issued by the Head Master of the Zilla Parishad High School, Lachapet and the Zilla Parishad Secondary School, Machareddy and pass appropriate order on merits.

Purporting to comply with the said order of the Tribunal, petitioner No.2-Board has issued memorandum, vide Rc.No.1019/R&T/Admn.1/2011, dated 23.12.2011, once again rejecting the request of respondent No.1 for treating him as a 'local' falling under Zone-VI and considered him under 30% open competition vacancies, due to which, he was not selected for either of the aforementioned posts. Aggrieved by the said order, respondent No.1 filed O.A.No.1309 of 2012 before the Tribunal, which allowed the same by following the order, dated 03.12.2012, of this Court in Writ Petition No.16763 of 2012. The Tribunal has observed in the impugned order that when similarly situated candidates to that of

respondent No.1, who applied for the post of Sub-Inspector of Police were not considered as local candidates on the ground that they have not produced the Study certificate(s) along with the application, they filed O.A.No.8242 of 2011, which was allowed by it; that the said order was confirmed by a Division Bench of this Court by order, dated 03.12.2012 in Writ Petition No.16763 of 2012; and that SLP (Civil) C.C..No.10155 of 2013 filed against the said order in the Supreme Court was also dismissed on 09.5.2013.

A perusal of order, dated 23.12.2011, passed by petitioner No.2-Board shows that it has repeated the same approach as it has made before the disposal of O.A.No.8390 of 2011 by the Tribunal. It has again rejected the case of respondent No.1 only on the ground that he has not enclosed the required certificates along with the application to show that he is a native of Nizamabad and thereby, he is a 'local' falling under Zone-VI.

In our opinion, the said order passed by petitioner No.2-Board runs contrary to the directions issued by the Tribunal in O.A.No.8390 of 2011. It is not the pleaded case of the petitioners that as per the certificates produced by respondent No.1, he does not belong to Nizamabad and that therefore, he cannot be treated as a 'local' falling under Zone-VI. The order impugned in O.A.No.1309 of 2012 was passed in derogation of the directions issued in O.A.No.8390 of 2011.

As observed by the Tribunal in the impugned order, in case of similarly situated persons, it has allowed O.A.No.8242 of 2011 directing the petitioners to consider the certificates that may be produced by the applicants therein and the said order was confirmed by a Division Bench of this Court in Writ Petition No.16763 of 2012, which also attained finality with the dismissal of

SLP.No.1055 of 2013 by the Supreme Court.

In the light of the above facts, we do not find any justification for petitioner No.2-Board for not considering respondent No.1 as a 'local' candidate falling under Zone-VI and issuing the order, dated 23.12.2011, which is rightly set aside by the Tribunal by the impugned order.

For the above-mentioned reasons, we do not find any merit in this Writ Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.Nos.38024 of 2015 and 10682 of 2016 are dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE ANIS

*18th March 2016
DR*