

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice G.Shyam Prasad

Writ Petition No.25586 of 2017

Date: 03.08.2017

Between:

Andhra Pradesh Public Service Commission,
Rep. by its Secretary,
Nampally, Hyderabad

... Petitioner

and

A.S.Priya and 2 others.

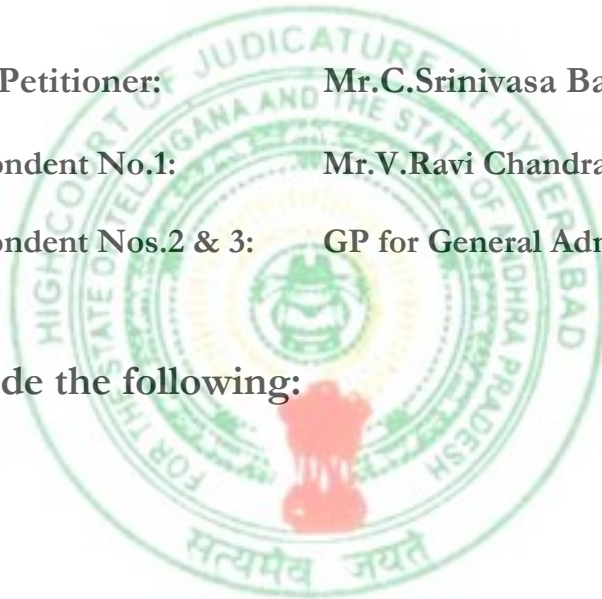
... Respondents

Counsel for the Petitioner: Mr.C.Srinivasa Baba

Counsel for respondent No.1: Mr.V.Ravi Chandran

Counsel for respondent Nos.2 & 3: GP for General Administration (AP)

The Court made the following:



Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed feeling aggrieved by the Andhra Pradesh Administrative Tribunal's Order, dated 25-04-2017, in OA.No.2633 of 2013 with VMA.No.1881 of 2013 and CA.No.1187 of 2013.

We have heard Mr.C.Srinivasa Baba, learned Counsel for the petitioner, and Mr.V.Ravi Chandran, learned Counsel for respondent No.1.

The petitioner has issued Notification No.19 of 2008, dated 26.11.2008, for filling up 1100 posts of Junior Lecturers by way of direct recruitment. The post of Junior Lecturer (Tamil) in Zone-IV reserved for women was one such notified post. The written examination was held on 03-12-2011. Following interviews, selection lists were sent to the Unit Officer after verification of certificates and appointment orders were issued by the Unit Officer in August/September, 2012. As respondent No.1 has not received call letter for interview, she made a representation to the petitioner on 25-12-2012 wherein it was stated that though she was qualified in the written examination, she was not called for interview. Except furnishing certain information under the Right to Information Act, 2005, the petitioner has not communicated any reasons to

respondent No.1 for not calling her for interview. Therefore, respondent No.1 filed the above-mentioned OA to declare the action of the appellant in not calling her for interview for the post of Junior Lecturer (Tamil) in Zone-IV reserved for OC women.

A counter affidavit was filed by the petitioner wherein it was averred that after the results in the written test were declared on 08.06.2012, interviews were commenced on 18-06-2012 and concluded on 22-08-2012; that as the petitioner has not undertaken scrutiny of the applications before permitting the applicants for written examination, while issuing call letters, two candidates, who have declared as belonging to Zone IV, were also called for interview; that it is only during the interview that they came to know that the said two candidates have furnished wrong information regarding the zone to which they belong; that on realizing the same, a telegram was issued to respondent No.1 on 22-06-2012 to attend the interview on 28.06.2012 and that as respondent No.1 has not attended the interview and the entire process of interviews completed by 22.8.2012, her request for calling for interview could not be considered.

Having considered the respective pleadings of the parties and the material on record, the Tribunal has held that for no fault on the part of respondent No.1, she was denied the opportunity of being

called for interview and as the vacancy remained unfilled, a direction was issued by the Tribunal to call respondent No.1 for interview along with others by issuing call letters.

At the outset, Mr.C.Srinivasa Baba, learned Counsel for the petitioner, fairly conceded that Order, dated 21-02-2017, in OA.No.7991 of 2012 referred to by the Tribunal has no relevance to the facts of the present case. The only point, which has been pressed into service by the learned Counsel, is that though a telegram was issued to respondent No.1 informing her to attend the interview on 28-06-2012, she has not attended the same and that therefore, the Tribunal was not justified in directing holding of a separate interview for her.

We are afraid, we cannot accept the above submission. In the absence of any particular mode of prescription of sending communications, Section 27 of the General Clauses Act, 1897 (for short 'the Act'), would apply. This provision reads as under:

"27. Meaning of service by post. Where any Central Act or Regulation made after the commencement of this Act authorizes or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre paying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to

have been effected at the time at which the letter would be delivered in the ordinary course of post."

Admittedly, the telegram sent by the petitioner does not fall within the description of "registered post". In the absence of any proof of telegram being served on respondent No.1, the appellant's plea that respondent No.1 is deemed to have received the same cannot be sustained and the same is not in conformity with the provisions of Section 27 of the Act. As, admittedly, respondent No.1, who was qualified in the written examination and entitled to be called for interview, has not been interviewed, the Tribunal was justified in giving an opportunity to her, more so, when the post remained unfilled.

For the afore-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.No.31729 of 2017, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(G.Shyam Prasad, J)

Dt: 3rd August, 2017
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