

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 29043 of 2017

Order:

The petitioners are qualified IERTs (Inclusive Education Resource Teachers) in MR (Mentally Retarded) category. A notification was issued by the fourth respondent inviting applications for filling up of MR category vacancies by conducting a written test. The notification was issued on 19.10.2016. The petitioners along with others participated in the written test, but they could not become successful. Four candidates were selected for five vacancies. They joined the duty. When the appointment orders were issued to the respondents 6 to 15 in respect of non-notified vacancies, the present Writ Petition was filed stating that ignoring their qualification, the respondents 6 to 15, who were not qualified, were appointed in the vacancies meant for MR category.

This Court, initially, suspended the appointments by order dated 31.08.2017 and refused to vacate the same by order dated 26.10.2017. Seeking vacation of the said order, W.V.M.P.No.4269 of 2017 was filed by the fourth respondent and the unofficial respondents 6 to 15 are also represented by a counsel.

It is admitted in the counter affidavit that a paper notification was issued to fill up five vacancies of IERTs (MR) category and 32 applications including from the petitioners were received. After verification, 28 applications were found in order and a written test was conducted on 18.02.2017 and five candidates were selected. Four were appointed in the notified vacancies and they joined duties. There are 56 Mandals in the District and each Mandal will have one IERT (HI/VI) and one IERT (MR) category and the total strength is 112 in the ratio of 56:56. Against 56 MR vacancies, 40 MR category candidates were working and in the

remaining 16 vacancies, 11 IERT (HI/VI) candidates were engaged in the academic year 2013-14 and they were continued even in the year 2016-17. When the service of one T. Ravisekhar was disengaged on the ground that he belongs to other District, he filed W.P.No.39009 of 2016 and this Court by order 11.11.2016 directed to continue him in one of the five vacancies notified and, therefore, only four individuals were appointed pursuant to the notification. The unofficial respondents 6 to 15 were initially engaged in the academic year 2013-14 and they were being continued from year to year. As per the instructions of the second respondent dated 26.04.2017, the respondents 6 to 15 were not engaged for the first time for the academic year 2017-18, and they were being continued since 2013-14. They are qualified in HI/VI and they have initially filed W.P.No.17621 of 2017 and this Court passed an order on 05.06.2017 holding that any appointment made by the respondents 2 and 3 in MR category shall be subject to further orders in the WPMP and, thus, there was no positive order in respect of the respondents 6 to 15. In spite of the same, appointment orders were issued to the respondents 6 to 15 and it is stated that they were issued on 17.07.2017 on humanitarian grounds. When appointment orders were issued, they withdrew the Writ Petition.

It is clear from the above facts that the notification was issued on 28.10.2016 to fill up five MR category vacancies in respect of four Mandals, Pullalacheruru-1, Ardhaveedu-1, Peddaraveedu-1 and L. Samudram-2 and in the fifth vacancy T. Ravisekhar was allowed to continue by virtue of the orders in WP No.39009 of 2016. The respondents 6 to 15 were being continued from 2013-14 till 2016-17 and the vacancies for HI/VI were not notified. Now the appointment orders are issued in favour of them in respect of MR category. Though the

petitioners are qualified, they were not selected pursuant to the notification dated 28.10.2016, whereas, the respondents 6 to 15 were not qualified and not selected also. In respect of employment they all stand on the same footing. The order of the second respondent dated 17.07.2017 is obviously an irregular order passed in order to accommodate the respondents 6 to 15 who were not qualified to hold the post meant for MR category. The entire situation is created by virtue of the orders passed by the second respondent on 17.07.2017. It is also clear from the record that the respondents are managing the posts on adhoc basis without proper selection by issuing a notification.

In the circumstances, the Writ Petition is allowed setting aside the appointment of the respondents 6 to 15 and directing the respondents 2 to 4 to issue fresh notification for the remaining vacancies in respect of MR category as well as HI/VI category and invite applications from the qualified candidates. The appointments to the said vacancies shall be made only by qualified candidates as these posts are specialised posts, where the requisite qualification is required. The entire selection process shall be completed within one month from the date of receipt of a copy of this order, so as not to cause in inconvenience to the students. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

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A. RAMALINGESWARA RAO, J

Date: 09.11.2017  
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