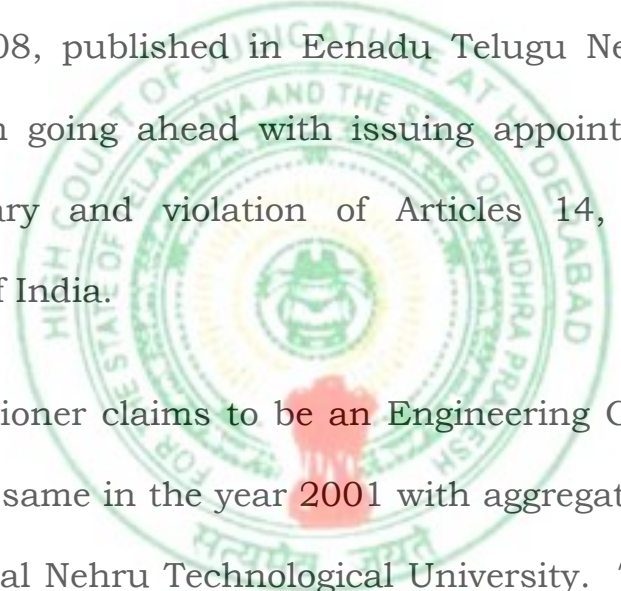


THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

W.P.No.2278 OF 2009

ORDER:

As there is no representation on behalf of the petitioner on 16.08.2017, the writ petition was dismissed for default. Pursuant to the request made by the learned counsel for the petitioner, the said order is recalled and the matter was posted under the caption 'for being mentioned "to hear the same on merits"'.


2. The present writ petition came to be filed seeking issuance of Writ of Mandamus declaring the impugned notification dated nil, in R.O.No.38/2008, published in Eenadu Telugu News Paper dated 01.07.2008, in going ahead with issuing appointment orders, as illegal, arbitrary and violation of Articles 14, 16(1)(g) of the Constitution of India.

3. The petitioner claims to be an Engineering Graduate, having completed the same in the year 2001 with aggregate marks of 49%, from Jawaharlal Nehru Technological University. The respondents issued the above said notification, for filling up the posts of Assistant Engineers, the requisite academic qualifications for the said post being B.Tech, B.E., A.M.I.E. The prescribed age limit was fixed at 34 years and the upper age limit was relaxed for the candidates belonging to SCs, STs, PHC and children of ex-servicemen as on 01.07.2008. Thereafter, a supplementary notification was issued on 01.10.2008, prescribing the eligibility criteria as well as the selection procedure. The age criteria was fixed as '34' years as on 01.07.2008, and there is upper age relaxation for the reserved candidates to five years for BCs, SCs,

STs and 10 years for PHC candidates. The impugned selection procedure is as follows:

i)	Performance in written test	75 marks (as against 100 marks conducted by O.U on the instructions of A.P.Transco divided by $\frac{3}{4}$)
ii)	Percentage for aggregate marks secured in BE/B.Tech/AMIE of any equivalent qualification.	20 marks 80 and above – 20 marks 70 – 79 – 15 marks 60-69 10 marks Below 60 – 05 marks
iii)	Relevant works experience	5 marks @ 1 mark per year

4. It is the case of the petitioner that for the first time, A.P.Transco issued notification prescribing new selection procedure giving weightage marks to the candidates, who secured more percentage of aggregate marks in B.Tech/B.E/AMIE, and also experience, which is contrary to the procedure and the same is nothing but denying the employment opportunity for the candidates who passed engineering 10 years back. It is further stated that there is no possibility of securing employment in the respondent organization for the students, who secured 2nd class and 1st class.

5. No counter is filed by the respondents, but on instructions, learned counsel for the respondents would submit that since the rules formulated by the AP TRANSCO for issuing notification have not been challenged, the petitioner has no locustandi to challenge the paper notification for the recruitment process.

6. It is to be noted here that the grievance of the petitioner, in the present writ petition, is only with regard to the paper

notification, which was published in the news paper. No where in the affidavit the petitioner challenged the rules and guidelines, for recruitments made in APTRANSCO. It is also to be noted that there was no interim order in favour of the petitioner. Now, after division of the State, TRANSCO department also got divided.

7. In view of the lapse of time, in the absence of any stay the entire process was completed. Either way, the writ petition lacks merits and the same is liable to be dismissed.

8. Accordingly the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No costs.

JUSTICE C. PRAVEEN KUMAR

18.08.2017
kvrn

