

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT. JUSTICE ANIS**

WRIT PETITION NO.2195 OF 2017

O R D E R

The petitioner is the applicant in O.A.No.4246 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity, 'the Tribunal'). She filed the said O.A. aggrieved by the list of rejected candidates published by the Joint Director of Agriculture, Y.S.R.Kadapa District, in so far as it included her name, and sought a direction to the authorities to allow her to participate in the selection process in accordance with the notification dated 30.05.2016 and to appoint her as an Office Subordinate if she was selected. By way of her interim prayer, she sought a direction to the authorities to allow her for the interview to be held in the second week of December, 2016 or on any other date.

By order dated 01.12.2016, the Tribunal directed the learned Government Pleader to see that the counter was filed. Thereupon, the Joint Director of Agriculture, Kadapa, filed his counter admitting that the petitioner applied for a ST backlog vacancy of Office Subordinate pursuant to the notification dated 30.05.2016. He stated that 612 applications were received, in all, for the 24 backlog posts notified for Scheduled Tribes. According to him, the petitioner was shown in the merit list at Serial No.8 without verification of her 7th standard pass certificate and the District Collector's office, Kadapa, with the assistance of the Education Department, thereafter undertook an enquiry to verify its genuineness. He further stated that no interviews were scheduled and that selection would be done as per procedure on the basis of merit in the prescribed qualification.

As the Tribunal thereupon posted the case for hearing without calling for her school records from the National High School, Rayachoty, Y.S.R.Kadapa District, where she had studied 7th standard and as the authorities were about to finalize the selection list deleting the names of meritorious candidates, the petitioner filed this writ petition.

The Joint Director of Agriculture, Kadapa, filed a counter before this Court reiterating the contents of his counter before the Tribunal. In addition thereto, he stated that the petitioner's application was verified on 17.09.2016 and the District Officers' team, constituted by the District Collector, Kadapa, found the marks of the petitioner to be not genuine. Thereafter, the merit list was published by the District Collector, Kadapa, calling for objections. In response thereto, the petitioner filed her objections to the finding as to her marks in 7th standard. Re-verification of her marks was stated to have been undertaken on 07.12.2016 in the presence of the Mandal Educational Officer, Rayachoty, and a representative of the school administration. In this process, the Mandal Educational Officer, Rayachoty, was stated to have found that the 7th standard marks of the petitioner were not registered properly and the records were not authenticated. The finding that her marks were not genuine was therefore justified. He again stated that no interviews would be held and that the selection would be made as per the due procedure, based purely on the merit secured in 7th standard.

Heard Sri Kasa Jaganmohan Reddy, learned counsel for the petitioner, and the learned Government Pleader for Services (Andhra Pradesh) for the authorities.

This Court has time and again stressed upon the importance and necessity for the Tribunal to give due regard to the interim prayer for relief pending disposal of the O.A. Ignoring such a plea for interim relief at the apposite stage may result in not only causing grave injustice to the applicant in the O.A. but may also render the case itself infructuous. The Tribunal therefore has to be mindful of the urgency in this regard in each individual case and balance conflicting interests while considering the prayer for interim relief. In a case of this nature, where the authorities would finalize the selections pending the O.A., if there is no interim protection of the applicant's interest, adjudication of the case may ultimately turn out to be an exercise in futility. Posting the O.A. for hearing, when the matter merely turned upon the genuineness of the marks secured by the petitioner in 7th standard, an easily verifiable fact, therefore did not serve the interest of justice or extend timely relief to the petitioner who had approached the Tribunal for redressal of her grievance.

Photocopies of the petitioner's 7th standard marks list filed by the learned Government Pleader indicate that she secured 97% in Telugu, 97% in Hindi, 98% in English, 100% in Mathematics, 100% in Science and 99% in Social Studies. As rightly pointed out by Sri Kasa Jaganmohan Reddy, learned counsel, at the time the petitioner appeared for her 7th standard examination, it was no longer a Board examination and the question of producing the authenticated record of the Board does not arise. The marks lists now filed before this Court were maintained by the petitioner's school, the National High School, Rayachoty, Y.S.R.Kadapa District. Needless to state, if the authorities have any grievance with regard to how the school maintained its records, it is not the petitioner who can be held

responsible for the same or be penalized for it. The marks lists show that the names of all the students were clubbed together to tabulate the marks secured during the year and their total marks. That being so, this Court finds no reason as to why genuineness of the marks secured by the petitioner, as indicated *supra*, should be doubted. As is clear from the counter, the Joint Director based the justification for rejecting the petitioner's marks on the verification program wherein the authorities found that the records were not properly authenticated by the school. As already stated, such a defect, if any, can hardly be laid at the petitioner's door. This Court therefore finds no acceptable grounds for the authorities to have rejected the marks secured by the petitioner in 7th standard.

The said marks shall therefore be accepted as genuine and valid and the authorities are directed to consider her candidature for the post of Office Subordinate in terms of merit and appoint her to a suitable post out of the backlog vacancies notified on 30.05.2016, if a vacancy is available and if she is otherwise found to be eligible. This exercise shall be completed expeditiously and, in any event, not later than eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

ANIS, J

17th MARCH, 2017

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