

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.10403 OF 2017

ORDER:

1. The petitioner responded to the recruitment notification dated 31.12.2015 to the posts of Stipendiary Cadet Trainee Police Constable - Civil, Armed Reserve, SAR CPL, TSSP, SPF and Firemen. According to the petitioner, he belongs to BC "C" category and he comes under non-creamy layer in consideration for reservation to the post reserved against BC "C" category. According to the petitioner, he got 91.75 marks and eligible to the appointment to the post of Police Constable (Armed Reserved) (22) as the cut-off mark prescribed is 86.75 marks, which is far less than the marks secured by the petitioner. Alleging his non-selection illegally, this Writ Petition is filed.

2. Learned counsel for the petitioner placed reliance on the down-loaded application form and asserted that all the details furnished by the petitioner in the application form declare him as a person belonging to non-creamy layer as enclosed all the documents in support of his claim.

3. Learned Government Pleader produced original record along with checklist slip, which contains various columns dealing with various eligibility criteria put forth at the stage of physical verification of the documents. The original record is shown to the counsel for the petitioner, who fairly submitted that the signature found on the checklist is the signature of the petitioner.

4. Column No.7 in the second table deals with certificate of non-creamy layer status for BC candidates issued by the competent authority of Government of Telangana State. Against

this column, it was written as “no”. This document was signed by the Administrative Officer and was attested by the petitioner. Thus, it is clear that the petitioner did not submit the non-creamy layer certificate.

5. According to clause 8 of the notification dated 31.12.2015, which deals with creamy layer, a candidate claiming to be a person belonging to backward class has to produce original certificate regarding exclusion from the creamy layer from the competent authority. This certificate has to be produced at the time of verification of certificates. If such certificate is not produced, the person will not be treated as the person belonging to BC “C” category and he will be considered as an open competition candidate. Since the petitioner has not submitted the relevant certificate, he is not considered as a person belonging to BC “C” category. Thus, the petitioner is not entitled to any reservation. Merely because he secured more marks than the last BC “C” candidate, he is not eligible since he did not produce non-creamy layer certificate. Hence, I do not see any illegality in non-selection of the petitioner.

5. The Writ Petition is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(P.NAVEEN RAO, J)

26th April 2017
RRB