

HON'BLE SRI JUSTICE S.V. BHATT

W.P. Nos.20473 AND 20750 OF 2017

COMMON ORDER:

The petitioners in these writ petitions pray for Mandamus challenging the action of 2nd respondent in not permitting the petitioners to participate in the selection process for appointment as Degree College Lecturers in Residential Degree Colleges (women) pursuant to notification issued by 2nd respondent bearing No.22/2017 dated 02.06.2017 as illegal, arbitrary and unconstitutional.

The case of petitioners is that the petitioners substantially satisfy the educational qualifications prescribed in the notification dated 02.06.2017 except completion of TSSET examination. According to petitioners, the examination was already conducted, results are awaited and at this stage of the matter permitting the petitioners to write examination does not, in any way, deviate from the educational qualification prescribed in Paragraph No.4 of notification dated 02.06.2017. Further it is contended that the petitioners, if are successful in completing the SET examination and qualify for further consideration, at that stage of the matter all the educational qualifications can be considered.

This Court on 22.06.2017 and 23.06.2017 granted interim order. 2nd respondent filed petitions to vacate the interim order. In the counter of 2nd respondent, it is stated that the petitioners do not possess the requisite qualifications as prescribed in notification dated 02.06.2017 and the Commission has to scrupulously follow the qualifications fixed by the Government.

Mr. Balakishan Rao submits that the submission of petitioners is contrary to the requirement of Paragraphs 3 and 4 of Para-1 of notification dated 02.06.2017. According to him, the expression used in the notification is that the candidate possesses all the qualifications covered by paragraph No.4 of the notification and this is a condition enabling a candidate to write the examination. It is further stated that the 2nd respondent cannot selectively allow the petitioners to write the examination contrary to the notification, and such procedure is illegal and unavailable.

The parties are not in issue on the circumstances leading to the filing of the writ petitions. The petitioners pray for a concession. In exercise of jurisdiction under Article 226 of the Constitution of India this Court cannot consider and allow only petitioners to write examinations contrary to requirement of notification. The petitioners admittedly do not possess the qualifications prescribed by notification. Therefore, allowing them to write examination and also further directing 2nd respondent not to declare results are not in accordance with the procedure prescribed in notification dated 02.06.2017. The counsel for 2nd respondent submits that the examination is scheduled to be held on 10.09.2017. The statement is placed on record and I am satisfied that no case is made out by the petitioners for granting the relief. Accordingly, the writ petitions fail and are dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V. BHATT, J

Date: 30.08.2017
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