

**The Hon'ble Sri Justice C.V.Nagarjuna Reddy**  
**and**  
**The Hon'ble Smt. Justice Kongara Vijaya Lakshmi**  
**Writ Petition No.29078 of 2017**  
**Date: 06.10.2017**

**Between:**

Kumbhagiri Madhu

**... Petitioner**

**and**

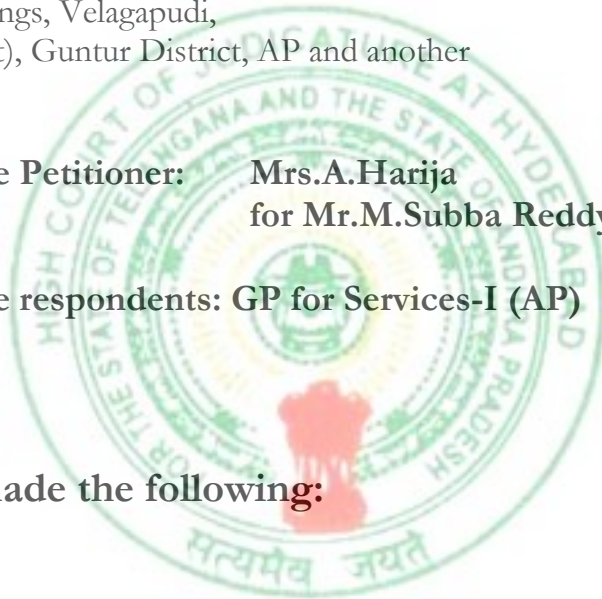
The State of Andhra Pradesh  
Rep. by its Prl.Secretary  
Home Dept.,  
Secretariat Buildings, Velagapudi,  
Amaravathi (Post), Guntur District, AP and another

**...Respondents**

**Counsel for the Petitioner:** Mrs.A.Harija  
for Mr.M.Subba Reddy

**Counsel for the respondents:** GP for Services-I (AP)

**The Court made the following:**



**Order:** (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Order, dated 02-08-2017, in OA.No.1541 of 2017 on the file of the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal'), whereby it has dismissed the said OA filed by the petitioner is questioned in this Writ Petition.

The petitioner applied for the post of Stipendiary Cadet Trainee Police Constable (Driver) (Men) (for short 'SCTPC') in the Police Transport Organisation, in pursuance of the recruitment notification issued by the State Level Police Recruitment Board, Andhra Pradesh, on 01-09-2016. He belongs to BC-A category and in the final written test, he secured 150 marks as against the cut-off marks of 156 for BC-A category. Physical Measurement Test/Physical Efficiency Test (for short 'PMT/PET') was held between 07.11.2016 and 01.12.2016. The petitioner appeared in the said test on 30-11-2016. One of the requirements to be complied with by the candidates was that they must produce all the certificates required for the purpose of selection. Admittedly, the petitioner did not produce the non-creamy layer Certificate when he appeared for the PMT/PET. A merit list was published on 28.03.2017 and the final selection list was published on 19.05.2017. Till 19-05-2017, the petitioner did

not produce the non-creamy layer Certificate, as a result of which, he was considered under OC category instead of under BC-A category. Since the cut off marks for OC category are higher than the marks obtained by the petitioner, he was not selected. Questioning his non-selection, he has filed the OA before the Tribunal. By the impugned order, the Tribunal has dismissed the OA.

The main stay of the petitioner's plea is that though one N.Srinivasulu, who had also applied for the post of Driver, produced non-creamy layer Certificate on 19-05-2017, the same was accepted, while the respondents have treated him with discrimination. This Court has called upon the respondents to file a counter-affidavit in this regard.

Mr.Atul Singh, Chairman of the State Level Police Recruitment Board, Andhra Pradesh, filed a detailed counter-affidavit wherein it is *inter alia* stated that *vide* Notification in Rc.No.247/R&T/Rect.2/2016, dated 01-09-2016, the candidates were directed to apply for the posts of SCT PC (Drivers) and SCT PC (Mechanics) and it was informed that the candidates must attend PMT /PET on the appointed date along with the original certificates; that as per Para 7 (b) and (c) of the said notification,

the candidate belonging to BC category, who submitted non-creamy layer Certificate along with Community Certificate, would be eligible for the benefit of reservation and that without non-creamy layer Certificate, the candidate will not be eligible for the said benefit and that this fact was also repeated in the hall ticket issued to all the candidates for attending PMT/PET.

The counter-affidavit further averred that the petitioner participated in the selection process for the post of SCT PC (Drivers) in response to the Notification, dated 01-09-2016; that he secured 150 marks with rank No.79 in the final written test for the said post; that though he belongs to BC-A category, he did not submit the non-creamy layer Certificate and that therefore, he is not eligible for the benefit of reservation under BC-A category.

As regards the plea of the petitioner that Mr.N.Srinivasulu has also produced his non-creamy layer certificate on 19-05-2017, it is averred in Paragraph 9 of the counter-affidavit that the said candidate has submitted his non-creamy layer Certificate on 05.12.2016. A copy of the said Certificate is also enclosed to the counter-affidavit.

During the hearing, the learned Counsel for the petitioner has laid much emphasis on a photocopy of the purported

uploaded document in the website and submitted that the said copy shows that N.Srinivasulu had uploaded certain documents on 19-05-2017 at 3.12 p.m., and that therefore, this document would show that it was only on the said date that the said N.Srinivasulu had submitted his non-creamy layer Certificate.

Countering the above submission, the learned Government Pleader has invited our attention to the print out copies of the check list downloaded from the website. As regards the check list of N.Srinivasulu, the column “non-creamy layer” contains the alphabet ‘Y’ which means ‘Yes’ whereas with respect to the petitioner, the alphabet ‘N’ is mentioned in the said column indicating “No” *i.e.*, he has not submitted the non-creamy layer Certificate. The learned Government Pleader also has drawn our attention to a copy of the Press release, dated 17-12-2016, wherein it is stated as under:

“Some of the candidates have informed that due to shortage of time and delay in getting information, they are unable to collect such certificates immediately and requested for some time.

All the candidates who have been issued hall tickets for Driving/Trade test for the posts of PC Drivers/PC Mechanics being held at SAR CPL from 13-12-2016 to 23-12-2016 are hereby informed that they may attend Driving Test/Trade test on any of the subsequent days to the allotted day in case they have problem in collecting certificates required. However, no

candidate will be allowed to attend Driving Test/Trade Test after 23-12-2016 which is the last day.”

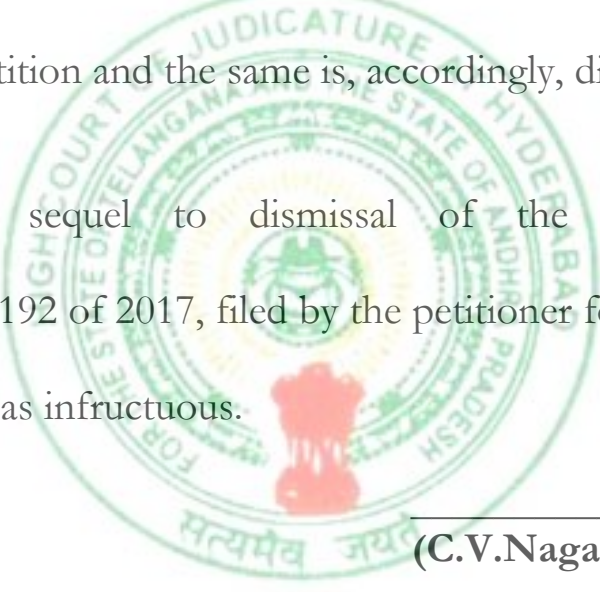
Based on the above-noted press release, the learned Government Pleader submitted that the respondents have not received any certificates after 23-12-2016 and that they are not aware of the purported uploading of documents by N.Srinivasulu on 19-05-2017.

Admittedly, the notification and also the hall ticket stipulated the condition that relevant certificates must be produced by the candidates at the time of their PMT/PET. However, to facilitate the production of such certificates by those, who did not secure them at the time of their PMT/PET, permission was given to produce those Certificates latest by 23.12.2016. The plea of the respondents that N.Srinivasulu has produced the non-creamy layer Certificate by 23-12-2016 derives support from the fact that his name was included in the merit list, dated 28.03.2017 and also in the final selection list prepared on 19.05.2017. In contrast, on the petitioner's own showing, he has produced non-creamy certificate only on 19-05-2017, the date on which the final selection list was published. In the above facts and circumstances of the case, we have no reason to doubt the veracity of the stand taken by the respondents that N.Srinivasulu has

produced the non-creamy layer certificate on 23-12-2016 itself. At any rate, the petitioner, having failed to comply with the requirements of the employment notification as well as the condition in the hall ticket, cannot find fault with the action of the respondents in not treating him under the BC-A category for non-production of the non-creamy layer Certificate even within the extended time.

For the afore-mentioned reasons, we do not find any merit in the Writ Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.36192 of 2017, filed by the petitioner for interim relief, is disposed of as infructuous.

  
(C.V.Nagarjuna Reddy, J)

(Kongara Vijaya Lakshmi, J)

Dt: 6<sup>th</sup> October, 2017  
lur

.

