

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

+ Writ Appeal No.353 of 2015

% Date: 12-12-2017

1. Telangana Power Generation Corporation (TGENCO),
Rep. by its Chairman & Managing Director,
Vidyuth Soudha, Hyderabad

2. The Chief General Manager (HRD),
TGENCO, Vidyuth Soudha, Hyderabad

... Appellants/Respondents

Vs.

\$ K.Anjaiah, S/o Rajaiah, H.No.3-32, Venkataopally,
Ramadugu Mandal, Karimnagar District-505 531

... Respondent/Writ Petitioner

! Counsel for Appellants: Smt. A.Deepthi,
Standing Counsel

Counsel for Respondent: Mr. M.V. Rama Rao

< Gist:

> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Appeal No.353 of 2015

Judgment: (per V.Ramasubramanian, J.)

Aggrieved by a direction issued by the learned single Judge in a writ petition filed by the respondent, asking the Telangana Power Generation Corporation to appoint the respondent as Junior Plant Assistant, the Corporation has come up with the above writ appeal.

2. Heard Smt. A.Deepthi, learned Standing Counsel for the Corporation and Mr. M.V. Rama Rao, learned counsel appearing for the respondent.

3. By a Notification dated 05-01-2011 and a Supplemental Notification dated 17-10-2011, applications were invited for appointment to 1,086 posts of Junior Plant Attendants. The respondent herein belongs to the Scheduled Caste. He secured 58.20 marks in the selection. Another candidate belonging to the Scheduled Caste who secured a slightly higher marks viz., 58.27 got provisionally selected.

4. But that candidate was disqualified for non-production of the original certificates and not reporting for verification of the original certificates. Therefore, the respondent who was next in the order of merit among the Scheduled Castes' candidates, filed W.P.No.12686 of 2014. The same was allowed by a learned single Judge forcing the

Telangana Power Generation Corporation to come up with the above appeal.

5. The main contention of the learned Standing Counsel for the Corporation is that there was no system of preparation of waiting/reserve list, on account of the clear mandate of the Government in G.O.Ms.No.81, General Administration (SSR.A) Department, dated 22-02-1997 and that therefore the learned single Judge could not have issued a positive *mandamus*.

6. But the contention of the learned counsel for the respondent is that once a candidate included in the provisional select list, is disqualified for not reporting for verification of original certificates, the same cannot be taken to be equivalent to the case of a dropout. Absence of waiting list, will have repercussions **only** where the candidates who were selected, either do not **report** for duty or report for duty and thereafter get out. This is a case where the selected candidate did not even report for certificate verification.

7. It appears that in respect of the very same selection to the very same post of Junior Plant Attendant in Kothagudem Thermal Power Project, an identical issue came up for consideration before another Division Bench of this Court. In that case, the learned single Judge dismissed the writ petition of the individual, but the Division Bench allowed the writ appeal in W.A.No.1320 of 2016, dated 15-3-2017. In fact, the Division Bench had taken note of the view expressed

by yet another Division Bench in **Government of A.P. v. Bhagam Dorasanamma** [2014 (1) ALD 88 (DB)] and decided the case in favour of the individual.

8. In such circumstances, we find no justification to interfere with the order of the learned single Judge. Hence, the writ appeal is dismissed. The miscellaneous petitions, if any, pending in this writ appeal shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

M.GANGA RAO, J.

12th December, 2017.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Appeal No.353 of 2015
(per VRS, J.)



12th December, 2017.
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