

**THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

WRIT PETITION No.19261 OF 2016

ORDER: *(Oral)*

(Per Hon'ble Sri Justice SURESH KUMAR KAIT)

Vide the present petition, the petitioners have challenged the order dated 19.02.2015 passed in O.A.No.6509 of 2013, whereby the O.A. filed by the 1st respondent has been allowed.

2. The case of the petitioners is that:

Pursuant to DSC-2012 notification, the 1st respondent has applied for the post of Language Pandit Hindi and scored 38.87 with 29th rank and her name was figured in provisional list of Language Pandit Hindi in Ranga Reddy District under ST (W) category. Accordingly, she was called for verification of certificates. At the time of verification, it is found that she has passed SSC examination as private candidate appeared during the year 2002 from Sri Sarada Vidyamandir High School, Ramgiri, Nalgonda District, and submitted the bonafide certificate from classes I to IX from the following schools of Ranga Reddy District, and she is claimed for local status of Ranga Reddy district.

Sl. No.	Class	Name of the School	Admission No.	Year	
1	I to V	PS Kothaguda, Serilingampally	1032	1992-1997	As regular

2	VI & VII	Margadarshi HS, Serilingampally	302	1997-1999	As regular
3	VIII & IX	Nagarjuana School, Serilingampalli	454	1999-2001	As regular and discontinue d in mid of 9 th class
4	X	Sri Saradha Vidyamandir HS, Ramgiri, Nalgonda		2002	As private

3. On verification of the certificates, and having entertained doubts on the genuineness, the District authorities ordered for enquiry from the Tahsildar, Balanagar Mandal, R.R. district, regarding the genuineness of the bonafide certificates issued by the concerned authorities. The enquiry officer submitted the factual position after verification of the records, as follows:

- (1) *Applicant particulars for classes I to V at PS Kothaguda, Serilingampally is not available in the admission register and the Head Master of the school confirmed that the bonafide certificate produced by the candidate is fake.*
- (2) *Presently Margadarshi HS, Seilingampally is a defunct school and as per the record the candidate is admitted in class VI on 16.06.1997 without producing the record sheet of previous studied school and she left the school on 05.11.2001.*
- (3) *Applicant is admitted in Class VIII at Nagarjuna High Schol, Serilingampally against the admission No.454 on 29.06.1999 and her particulars in the admission register are over written/tampered and she left the school in the mid of class IX on 24.04.2001*

The enquiry officer submitted final remarks as follows:

“As per the enquiry report and available material it is confirmed that the bonafide certificates produced by the applicant is Not Genuine. So her candidature is treated as Non-Local to Ranga Reddy District and as non-local she was not in the selection zone.”

4. Learned Government Pleader appearing on behalf of the petitioners submits that 1st respondent's selection to the post of Language Pandit Hindi was considered by treating her candidature as non local to Ranga Reddy District. The same was impugned in O.A.No.6509 of 2013 before the tribunal, however, it was allowed vide order dated 19.02.2015 by directing the petitioner authorities to appoint the 1st respondent to the post of Language Pandit Hindi under ST (W) category by treating her as local candidate to Ranga Reddy District.

5. It is important to note that local candidate is identified as under:

“7. Local Candidate:- (1) A candidate for direct recruitment to any post shall be regarded as a local candidate in relation to a local area.

- (a) In cases where a minimum educational qualification has been prescribed for recruitment to the posts.
 - (i) if he has studied in an educational institution or educational institutions in such local area for a period of not less than four consecutive academic years ending with the academic year in which he appeared or, as the case may be, first appeared for the relevant qualifying examination; or
 - (ii) Where during the whole or any part of the four consecutive academic years ending with the academic year in which he appeared or as the case may be, first appeared for the

relevant qualifying examination he has not studied in any education institution, if he has resided in that local area for a period of not less than four years immediately preceding the date of commencement of the qualifying examination in which he appeared or as the case may be, first appeared.

- (b) In cases where no minimum educational qualification has been prescribed for recruitment to the post, if he has resided in that local area for a period of not less than four years immediately preceding the date on which the post is notified for recruitment.

Explanations: For the purpose of this paragraph.

- (i) educational institution means a University or any educational institution recognized by the State government, a University or other competent authority;
- (ii) relevant qualifying examination in relation to a post means;
- (a) the examination, a pass in which is the minimum educational qualification prescribed for the post;
- (b) the Matriculation examination or an examination declared by the State Government to be equivalent to the Matriculation examination; which is lower; and
- (iii) in reckoning the consecutive academic years during which a candidate has studied, any period of interruption of his study be reason of his failure to pass any examination shall be disregarded.
- (iv) The question, whether any candidate for direct recruitment to any post has resided in any local area shall be determined with reference to the places where the candidate actually resided and not with reference to the residence of his parents or other guardian (Vide G.O.Ms.No.168, G.A. (SPF.A) Dept. dt.10.3.77)
- (2) A candidate for direct recruitment to any post who is not regarded as a local candidate under sub-paragraph (1) in relation to any local area shall.

- (a) in cases where a minimum educational qualification has been prescribed for recruitment to the post.
- (i) if he has studied in educational institution in that State for a period of not less than seven consecutive academic years ending with academic year in which he appeared or as the case may be, first appeared for the relevant qualifying examination be regarded as a local candidate in relation to.
 - (1) Such local area where he has studied for the maximum period out of the said period of seven years; or
 - (2) Where the period of his study in two or more local areas are equal, such local areas where he has studied last in such equal periods;”

6. The case of the 1st respondent is that in bonafide certificate, issued by 8th APSP Battalion Campus, Kondapur, dated 12.03.2012, by mistake, the Admission Number is mentioned as 1032 instead of Admission No.15 by the school authorities. In order to support her contention that she belongs to Ranga Reddy District, she submitted the bonafide certificate issued by the schools and also the certificates showing that her father was working at the said place showing the location and duration of services. Though 1st respondent has studied in Ranga Reddy district for a period of 9 years i.e., Classes I to IX and submitted supporting evidence, and also made number of representations seeking appointment orders, however, there was no response from the petitioners.

7. We have heard the learned counsel for the parties and perused the record filed.

8. As per record, the 1st respondent studied Classes I to V at 8th APSP Batallion Camp Primary School, Kondapur, with admission No.15 from 1992-1997, and thereafter, she studied classes VI & VII at Margadarsi Vidya Mandir, Kondapur with Admission No.302 during the years 1997-1999. She studied VIII & IX Classes in Nagarjuna High School with Admission No.454 during the years 1999-2001, and thereafter, she studied SSC as a private candidate in the year 2002 from Sri Sharada Vidya Mandir High School, Nalgonda.

9. The Government had issued notification on 30.01.2012 inviting applications from the eligible candidates for the posts of School Assistants, Secondary Grade Teachers etc. Accordingly, the 1st respondent applied for the post of Telugu Language Pandit and secured 474th rank in the selection process. She stood first in the merit list in ST (W) category in the final selections in DSC-2012.

10. As regards the contention of the learned Government Pleader appearing on behalf of the petitioner authorities that, during the course of enquiry, to find out the genuineness of the bonafide certificates produced by the 1st respondent, the in-charge Headmistress had given her statement as saying that the bonafide certificate produced by the 1st respondent is stated to have been issued by the

Primary School, kothaguda, is not issued by her and it is not her signature. This fact has been opposed by the 1st respondent by producing a copy of the representation submitted by her to the District Educational Officer, Ranga Reddy District, marking a copy to the Headmistress, Primary school, Kothaguda, which was received by the Headmistress by signing on the copy. The signature of the Headmistress in the statement given by her during the course of enquiry and her signature on the bonafide certificate issued on 12.3.2012 and also her signature on the representation of the 1st respondent tallies, and therefore, the Headmistress cannot state that the bonafide certificate produced by the 1st respondent, which is stated to have been issued by the primary School, Kothaguda is not issued by her and it is not her signature.

11. In addition to above, the 1st respondent has produced copies of Service Register of her father and Residence certificate issued by Battalion Quarter Master, 8th Battalion, APSP, Kondapur on 21.03.2013. From the Residence certificate, it is evident that the father of the 1st respondent S.Rediya, PC 665 of 8th Battalion, who was transferred to DAR, Nalgonda, resided in Government Quarter No.A-31 (PC type) along with his family members from January 1989 to October 2001, in 8th Battalion, APSP, Kondapur, Ranga Reddy District police lines. The bonafide certificate produced by the 1st respondent appears to be

genuine, and the Residence certificate issued by the Battalion Quarter Master, 8th Battalion, Kondapur, establishes that 1st respondent's father along with his family including R-1, resided at Kondapuar at the relevant time.

12. In view of the facts recorded above, we have no hesitation to say that the 1st respondent resided with her father and studied in Primary School, Kothaguda, from Classes I to V, VI & VII in Margadarshi High School, Serilingampalli and Classes VIII & IX in Nagarjuna High School. All the schools, where the 1st respondent studied are situated in Ranga Reddy district. As per the Presidential order, if a candidate studied for four consecutive years in the same area, he/she has to be declared as local candidate of that area.

13. Accordingly, it is established that the 1st respondent studied from Classes I to IX in Ranga Reddy District. Accordingly, we find no illegality or perversity in the order passed by the tribunal.

14. Finding no merit in the instant petition and the same is accordingly dismissed.

15. It is pertinent to mention here that during the pendency of the present petition, this Court has not stayed the order passed by the learned tribunal whereby the petitioner authorities are directed to consider the 1st

respondent/applicant as local of Ranga Reddy District and issue appropriate orders and consider her case for appointment to the post of Grade-II Language Pandit and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of the order. Admittedly, this order has not been complied with. Consequently, the 1st respondent has filed W.P.No.13456 of 2017 for implementation of the above order.

16. In view of the above, we hereby direct the petitioners to comply with the order passed by the learned tribunal in letter and spirit, within four weeks from the date of receipt of a copy of the order.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE SURESH KUMAR KAIT.

JUSTICE U. DURGA PRASAD RAO.

Date : 12-07-2017
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