

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

Writ Petition No.27256 of 2017

DATED:16-08-2017

Between:

B. Uma Maheswara Reddy ... Petitioner

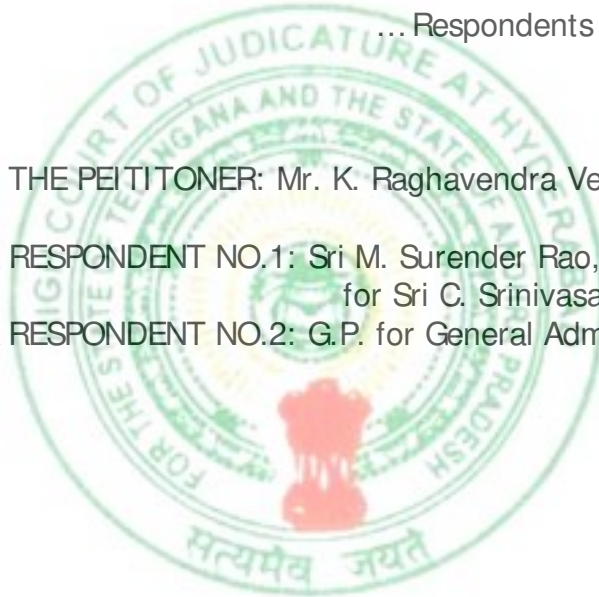
And

The Andhra Pradesh Public Service Commission
Represented by its Secretary
Nampally
Hyderabad
and another ... Respondents

COUNSEL FOR THE PETITIONER: Mr. K. Raghavendra Venkatesh

COUNSEL FOR RESPONDENT NO.1: Sri M. Surender Rao,
for Sri C. Srinivasa Baba,

COUNSEL FOR RESPONDENT NO.2: G.P. for General Administration (AP)



THE COURT MADE THE FOLLOWING:

ORDER: (per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)

The applicant in O.A. No.2253 of 2017 filed this writ petition feeling aggrieved by order dt.03.08.2017 of the Andhra Pradesh Administrative Tribunal (for short, "the Tribunal").

The petitioner appeared for preliminary examination for recruitment to various posts of Group-I Services in pursuance of Notification No.36 of 2016, dt.30.12.2016 issued by the Andhra Pradesh Public Service Commission (APPSC). He filed the aforementioned O.A. with the grievance that Question No.101 was defective, as, the name of the organisation, namely, 'Public Health Foundation of India' was wrongly shown as 'Public Health Federation of India'. He has pleaded that as the question carried negative marks, he could not attempt to answer the question. He has further pleaded that as against cut off marks of 55.1, he got 54.42 marks and that if the said question was disallowed, he would have got qualified for preparing for main examination.

On the instructions of the respondents, the learned Standing Counsel for the APPSC has argued before the Tribunal that the petitioner failed to submit his objections within the stipulated time and that when similar objections were raised to question No.101, the Expert Committee has opined that the mistake is not fatal as there is no organization with the name Public Health Federation of India and that therefore there was no reason for the candidates to get confused. It was also pleaded on behalf of the respondents that the O.A. suffers from laches as the petitioner approached the Tribunal two months after the final key was issued and after the results were declared. On consideration of the respective pleadings of the parties and the submissions of the learned counsel representing before it, the Tribunal has dismissed the O.A.

The fact that several candidates have sent their objections in prescribed format including the objections relating to question No.101 is not disputed by the petitioner. The only explanation offered by the petitioner for not submitting his explanation within the stipulated time is that he is staying in a semi rural area in Prakasam District and he was also preparing for Group-II Examination. In our opinion, this reason is not acceptable. In view of the availability of modern communication facilities even in small rural areas, the petitioner cannot be permitted to raise the ground that he was disabled as he was staying in a semi rural area. Having not raised his objection within the stipulated time, the petitioner is not entitled to question the correctness of the decision of the APPSC. In fact, the disputed question was referred to an Expert Committee which gave the following opinion:

"The word should be 'Foundation', but not 'Federation'.

The event is recent. The minor error in word does not alter the meaning much. From the objection itself, it is clear that he understands the identity of the organization. Hence objection is incorrect."

We do not find any reason to differ with the Expert Committee's opinion on the disputed question. The Tribunal for germane reasons dismissed the O.A. and we do not find any reason to interfere with the said order.

For the aforementioned reasons, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.33850 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

GUDI SEVA SHYAM PRASAD, J

16-8-2017
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