

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

WRIT PETITION No.28421 of 2017

30.08.2017

Between:

S.R.E.Adinarayana Reddy

..Petitioner

and

The State of Andhra Pradesh,
represented by its Secretary,
School Education Department,
Guntur and others

..Respondents

Counsel for the petitioner: Mr.Kasa Jaganmohan Reddy

Counsel for the respondents: Government Pleader for Services (AP)

The Court made the following:



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

The applicant in O.A.No.1559 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') filed this writ petition feeling aggrieved by order, dated 07.07.2017, whereby the Tribunal has dismissed the said O.A.

2. The brief facts leading to the filing of this writ petition are summarized hereunder. The petitioner completed his Diploma in Education. In pursuance of notification for Teachers Eligibility Test-cum-Teacher Recruitment Test, 2014, he applied for the post of the Secondary Grade Teacher (Kannada) (SGT) on 30.12.2014 and hall ticket was issued to him, based on which, he appeared for the said test, wherein he secured 95.20 weightage out of 180 and obtained rank No.4. After verification of the educational certificates, he was called to attend web-counselling on 17.03.2016. During the web-counselling, the petitioner found that his name did not appear in the list of the selected candidates. His enquiries with respondent No.3 revealed that the study certificates produced by him were found not in order. He, therefore, filed the aforementioned O.A. questioning the action of the respondents in not calling him for web-counselling conducted on 17/18.03.2016, on par with other candidates, despite his securing rank No.4.

3. On behalf of the respondents, respondent No.3 filed a counter-affidavit before the Tribunal, wherein he, *inter alia*, stated that a petition was received from the Andhra Pradesh Teacher Federation, Kurnool District Unit, through 'Prajavani', wherein it was stated that some of the candidates, who applied for SGT Kannada posts, submitted fake study certificates and requested the respondents to enquire into the matter; that another petition was also received through fax stating that the petitioner along with three other candidates submitted fake study

certificates and applied for SGT Kannada posts and that therefore, an enquiry was ordered by the deponent for verification of the genuineness of the study certificates for Classes IV to X for ascertaining the local status. While admitting that the petitioner obtained rank No.4, it was averred that out of the study certificates produced by him, the study certificate issued by TGLK, Bala Vidya Sadan, E.M.Primary School Adoni, pertaining to Classes I to V is found genuine and that as regards the study certificate pertaining to Classes VI to VIII issued by Yale Malleshappa Kannada High School, Adoni, the same is not genuine as the petitioner joined in the said school for Class VII by producing the Transfer Certificate issued by the Government Upper Primary School (GUPS), Vattu Muravani Village, Siruguppa Taluka, Bellary District, Karnataka State. In paragraphs 10 to 12 of the counter-affidavit, which are relevant for the present purpose, it is stated as under:

“10. It is submitted that, as per the THE ANDHRA PRADESH PUBLIC EMPLOYMENT (ORGANISATION OF LOCAL CADRES AND REGULATION OF DIRECT RECRUITMENT) ORDER, 1975, issued in G.O.Ms.No.674, GENERAL ADMINISTRATION (SPF.) DEPARTMENT, dated 20.10.1975, read G.O.Ms.No.186 GA (SPF-A) Department, dated 18.03.1977, the candidates who studied 4 consecutive academic years ending with the academic year in which he appeared or as the case may be, first appeared for the relevant qualification examination or matriculation examination whichever is lower shall be regarded as a local candidate in relation to that local area.

11. In this connection it is submitted that, in the instance case, the applicant has studied only IV and V class in Kurnool district and his VI, VII and VIII class study certificate is not genuine. Hence, he is not belongs to local candidate to Kurnool District.

12. In view of the above, the provisional selection of the applicant for the post SGT-Kannada, under OC-General-Local, is cancelled while treating him as non-local candidate to this district. Therefore he was not allowed to participate in the web counseling.”

4. On considering the respective pleadings of the parties, the Tribunal has dismissed the O.A., by holding that since the petitioner did not study Class VI in Kurnool District, he was found to be a non-local candidate and that therefore, his case was rejected for web-counselling. The Tribunal also took note of the fact that on a perusal of the records and the certificates, the authorities found that they are not tallying with the registers and that therefore, the petitioner was not entitled to any relief. Feeling aggrieved by the said order, the petitioner filed this writ petition.

5. At the hearing, Mr.Kasa Jaganmohan Reddy, learned counsel for the petitioner, has strenuously argued that there was a genuine mistake in the study certificate issued by Yale Malleshappa Kannada High School, Adoni, inasmuch as while certifying that the petitioner studied from 2001-02 to 2002-03 i.e, for two years, it was mistakenly mentioned therein that he had studied from Class VI to Class VIII. He has further submitted that though the petitioner obtained a separate certificate from GUPS, Vattu Muravani Village, Karnataka State, wherein it was certified that the petitioner had studied Class VI during 2000-01, as Class VI was overlapping between the study certificates issued by Yale Malleshappa Kannada High School, Adoni, and GUPS, Vattu Muravani Village, Karnataka State, on the advise of the authorities, the petitioner has not produced the certificate issued by GUPS, Vattu Muravani Village, Karnataka State, and that for the aforementioned reasons, the mistake crept in the study certificate issued by Yale Malleshappa Kannada High School, Adoni was a *bona fide* one. He has also submitted that the place in which the petitioner had studied Class VI has no relevance at all for the purpose of treating him as a local candidate. He has further submitted that in any event, as the petitioner has secured rank No.4, even if he is

treated as non-local candidate, he will be entitled to be appointed as the Secondary Grade Teacher.

6. Opposing the above submissions, the learned Government Pleader for Services (AP) appearing for the respondents has submitted that since the petitioner produced a bogus study certificate, he is not entitled to public employment.

7. The fact that the petitioner has secured rank No.4 in the written test held for the post of the Secondary Grade Teacher is not in dispute. Though the learned Government Pleader has emphasized on the sole factor *viz.*, that as the petitioner produced a bogus study certificate, he is disentitled to public employment, this submission is not supported by the pleadings in the counter-affidavit. The tenor of the counter-affidavit in general and the relevant paragraphs reproduced hereinbefore in particular, would show that the ground on which the petitioner was not considered was that as he did not study Class VI in Kurnool District, he is not treated as a local candidate, that therefore, the provisional selection of the petitioner under O.C. general local is cancelled, while treating him as non-local candidate to the Kurnool District and that he was not allowed to participate in the web-counselling. Nowhere in the counter-affidavit, the respondents have taken the plea that as the petitioner has produced a bogus study certificate, he is disqualified for being considered. Thus, the submission of the learned Government Pleader runs contrary to the pleadings of the respondents. Moreover, without giving the petitioner an opportunity of explaining his case, it is not permissible for the respondents to unilaterally hold that the certificate issued by the Yale Malleshappa Kannada High School, Adoni is not genuine.

8. Though the learned counsel for the petitioner has submitted that the certificate issued by the Yale Malleshappa Kannada High School, Adoni, is genuine, in that there is a mistaken entry as regards Class VI while it was correctly shown that the petitioner had studied only for two years in that school, we, however, feel that this aspect need not be adjudicated. As already noted hereinbefore, it is not the pleaded case of the respondents that the petitioner was disqualified for producing a bogus certificate. On the contrary, it is the stand of the respondents that since the web-counselling was conducted only for O.C. general local candidates, the petitioner was not allowed to participate in the same. In the light of the said stand taken by the respondents and having regard to the fact that the petitioner has secured rank No.4, the respondents are directed to consider the petitioner as non-local candidate and if he comes up for selection against the existing vacancy/vacancies, he shall be appointed as the Secondary Grade Teacher. The respondents shall complete this exercise within a period of one month from the date of receipt of a copy of this order.

9. Subject to the above directions, the order of the Tribunal is set aside and the Writ Petition is allowed.

10. As a sequel to allowing the writ petition, W.P.M.P.No.35327 of 2017 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

GUDI SEVA SHYAM PRASAD, J

30th August, 2017
GHN