

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.14887, 14888 AND 14889 OF 2011

Dated:09.06.2017

W.P.No.14887 of 2011

Between:

B. Aruna, W/o. M. Prabhakar,
Aged 23 years, R/o.H.No.6-62/1,
Viveknagar, 110' Road, Gopalpur,
Hanamkonda, Warangal District

.. Petitioner

AND

Andhra Pradesh Northern Power
Distribution Company Limited,
Rep., Chief General Manager
(HRD), H.No.1-1-478 & 503,
Opp: REC Petrol Pump,
Corporate Office, APNPDCL, Warangal

.. Respondent



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION Nos.14887, 14888 AND 14889 OF 2011****COMMON ORDER:**

Andhra Pradesh Northern Power Distribution Company Limited (after bifurcation, now Telangana State Northern Power Distribution Company Limited) (TSNPDCL) issued recruitment notification to fill up the backlog vacancies in various categories of posts including the post of Lower Division Clerk-cum-Computer Operator. For the post of Lower Division Clerk-cum-Computer Operator, the qualifications prescribed are B.A./B.Sc/B.Com from any recognized University or any equivalent qualification with certificate course in Computer Application/Office Automation (Ms-Office) offered by the institutions recognized by the then Government of Andhra Pradesh.

2. Petitioners in W.P.Nos.14888 and 14889 of 2011 belong to Schedule Tribe and the petitioner in W.P.No.14887 of 2011 belongs to Scheduled Caste. Petitioners responded to the said notification and in the selections conducted by the respondent – Company the petitioners were found suitable and were qualified. Accordingly, the petitioners were called for verification of certificates on 01.03.2011. The petitioners attended along with the certificates possessed by them. Thereafter, the petitioners were not informed about the outcome of the verification of the certificates and the result of the selections. Aggrieved by the inaction in finalizing the selections, these Writ Petitions are filed.

3. According to learned counsel for the petitioners, the petitioners possess the qualifications notified or higher than the qualifications required and not considering them for selection based on the performance is illegal and arbitrary. Learned counsel submits that the petitioners in the respective Writ Petitions have requisite qualifications and have produced all the certificates as required and therefore they are entitled to be appointed as per their performance.

4. In response to these contentions, learned Standing Counsel appearing for the respondent – Company submits that the qualifications possessed by the petitioners are not the same as required by the respondent – Company as per the qualifications specified in the recruitment notification and therefore they are not entitled to be appointed and the claim made in the Writ Petitions is not valid.

5. As noted above, the only issue for consideration in all these Writ Petitions is, whether the qualifications possessed by the petitioners are equivalent or same as the qualifications required by the respondent – Company as per the terms of notification.

6. Learned counsel for the petitioners submits that the petitioner in W.P.No.14887 of 2011 passed B.Sc. and B.A. and secured Post Graduate Diploma in Computer Application from recognized institution and also possesses the certificate issued by the Government in skill development. The certificates possessed by the petitioner are enclosed to the Writ Petition. Learned counsel further submits that as part of the Bachelor of Education Course,

petitioner has also acquired the requisite knowledge in MS-Office and in support of his contention he has produced a copy of Bachelor of Education Common Syllabus. Unit – IV of the same deals with Computers in Education and the Syllabus prescribed includes introduction to computers, introduction to operating systems, introduction to MS-Office and introduction to Internet. The Post Graduate Diploma in Computer Application is awarded by the recognized institution.

7. Petitioner in W.P.No.14889 of 2011 possessed the qualification of Bachelor of Commerce and Master of Business Administration. He also prosecuted Diploma Course in Computer Application from recognized institution and accordingly he was awarded certificate in the year 2008.

8. Petitioner in W.P.No.14888 of 2011 possessed the qualification of B.Sc. and Diploma in Computer Application as well as Post Graduate Diploma. Learned counsel submits that at that time, the petitioner was prosecuting Masters in Computer Application and has since acquired the said qualification and she is fully qualified.

9. As seen from the counter affidavit filed in W.P.No.14888 of 2011, the stand of the respondent – Company is that the certificates possessed by the petitioners are not same as the certificates required by the respondent - Company and merely because the petitioners possess the qualifications of Diploma in Computer Application/Post Graduate Diploma/MCA/B.Ed./MBA is not relevant.

10. I see no merit in the stand of the respondent – Company with respect to the petitioners in W.P.Nos.14887 and 14889 of 2011. Both the petitioners have the minimum educational qualifications as required and also have the Post Graduate Diploma in Computer Application awarded to them by the recognized institutions. The institutions which awarded the certificates as recognized are not disputed by the respondent - Company. Thus, these two petitioners have requisite eligibility as prescribed and, therefore, they are entitled to be appointed and not considering the qualifications possessed by them as sufficient and not finalizing the selections, based on their performance, amounts to arbitrary exercise of power and is *ex facie* illegal.

11. However, the petitioner in W.P.No.14888 of 2011 though has obtained Diploma in Computer Application (MS-Office, MS-Excel, MS-Power Point) and Post Graduate Diploma in Computer Application, those certificates were obtained from the institutions which are not recognized by the Government, whereas as per the recruitment notification, the requirement is that such certificates have to be obtained from the recognized institutions only. Thus, the petitioner does not satisfy the required qualifications. Subsequent acquisition of better or higher qualification has no relevance. Therefore, her non-selection cannot be found fault.

12. Having regard to the above findings, (1) W.P.Nos.14887 and 14889 of 2011 are allowed and the respondent – Company is directed to appoint the petitioners, if they are otherwise suitable.

(2) Since the petitioner in W.P.No.14888 of 2011 does not possess Diploma in Computer Application or Office Automation (MS-Office) from the recognized institution, she is not entitled for appointment and accordingly the Writ Petition is dismissed.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed.

P. NAVEEN RAO, J

Date:09.06.2017

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