

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.7267 OF 2010

Dated:31.10.2017

Between:

T. Bhaskar, S/o. Lakshmanna,
Age 27 years, Contract Labour,
Pole to Pole Worker, O/o. Asst.
Engineer, Tadipatri, Gooty
Division, A.P.C.P.D.C.L.,
R/o. Tadipatri, Anantapur
District

.. Petitioner

AND

The A.P. Central Power Distribution
Company Limited (APCPDCL), Red Hills,
Hyderabad, rep., by its Chairman & Managing
Director and another

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.7267 OF 2010****ORDER:**

Heard Sri N.M. Krishnaiah, learned counsel for the petitioner, and learned Standing Counsel for Andhra Pradesh Southern Power Distribution Company Limited (erstwhile Andhra Pradesh Central Power Distribution Company Limited).

2. Petitioner possesses the qualification of S.S.C. and I.T.I. in Electrical Trade and was appointed as contract employee. On 08.06.2006 recruitment notification was issued for appointment to the posts of Junior Linemen on contract basis and revised notification was issued on 20.10.2006. Petitioner applied for the said post and participated in the selection process, but was unsuccessful in the selections conducted by the respondent company. Petitioner claims that he was unwell on the day when the pole climbing test was conducted and one more opportunity ought to have been afforded to him and not granting such opportunity is arbitrary. Alleging that no further selection process was taken up and petitioner was not considered for further selection process pursuant to the judgment of this Court in W.A.No.1434 of 2009 and batch dated 10.11.2009 whereas the claims of similarly situated persons were considered, this Writ Petition is filed.

3. Learned counsel for the petitioner sought to contend that earlier selections were made based on the date of birth of the

persons working on contract basis and the same was challenged before this Court. The Division Bench of this Court in W.A.No.1434 of 2009 and batch held that selections cannot be made based on the date of birth and the same should be ignored and fresh selection list should be drawn. Learned counsel submits that consequent to the said decision, the case of the petitioner ought to have been considered and not considering him for selection amounts to arbitrary exercise of power and that the petitioner was illegally denied.

4. In the counter affidavit filed by the respondent company, it was categorically asserted that the petitioner was subjected to selection process and as he did not clear the pole climbing test, which is the eligibility test to be considered for appointment as Junior Lineman, he was not selected.

5. As briefly noted above, the issue for consideration before the Division Bench of this Court was with regard to Condition No.6 (iv) (c) of the revised notification dated 20.10.2006. The said condition was with reference to the eligibility for consideration based on the date of birth of candidates who were working on contract basis. Insofar as the petitioner is concerned, his non-selection is not on account of his date of birth. It is not in dispute that petitioner participated in the selection process and failed in the pole climbing test. Thus, the petitioner was not qualified to be selected and the issue of date of birth was never the factor for ignoring his claim for appointment. Since the petitioner failed in the pole climbing test, his non-selection cannot be held as

erroneous warranting interference by this Court. The Writ Petition merits no consideration and the same is liable to be dismissed.

6. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

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

P. NAVEEN RAO, J

Date:31.10.2017

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