

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.13619 OF 2014

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking to declare the action of respondents 3 and 4 in rejecting the candidature of the petitioner for the post of Helper (Water Works) on the ground of possessing higher qualification, as illegal and arbitrary.

The case of the petitioner, as seen from the affidavit filed in support of the writ petition, is that in the year 2011 the third respondent issued notification for recruitment to the post of Helper (Water Works) inviting applications from the eligible candidates with a basic eligibility criteria of SSC+ITI Fitter Trade. Pursuant to the same, petitioner, who possessed a higher qualification of Diploma in Civil Engineering applied for the said post. Petitioner also appeared in written exam conducted on 30.01.2011. The merit list was placed in TTD official website and merit candidates were directed to attend for verification of their original certificates on 25/26-02-2011. During the course of verification, the 4th respondent, having found that some candidates have submitted Diploma certificate, sent a letter dated 07.04.2011 to the 5th respondent seeking clarification as to whether the Diploma Certificate submitted by some of the candidates are apt and relevant to that of the ITI certificates notified for the said post. After taking clarification from the 5th respondent, the 3rd respondent issued a letter vide ROC No.E10/16544/2010 dated 25.08.2011, to the petitioner, rejecting the case on the ground that the petitioner is possessing Diploma in Civil Engineering as against

the notified qualification. Challenging the same, present writ petition came to be filed.

On 28.04.2014, the learned Standing Counsel for R-3 and R-4 sought time to get instructions. However, till date no counter is filed.

Learned Standing counsel would submit that the application of the petitioner was not rejected only on one ground. As against the column 'whether he possess ITI?', the petitioner answered 'yes'. Hence, he contends that the conduct of the petitioner was also considered while rejecting the application.

But, however, the order rejecting the request of the petitioner would clearly disclose that the candidature of the petitioner was rejected only on the ground that he did not possess the requisite qualification.

Attention of this Court was drawn to G.O.Ms.No.282 dated 20.09.2003 by virtue of which an ADHOC rule was inserted in chapter No.7 of the A.P. State & Sub-Ordinate Service Rules, which is as follows:

“Notwithstanding anything contained in the A.P. State & Sub-Ordinate Service Rules or special rules or any other rule governing the post for the Direct Recruitment the candidate who possesses higher qualification than the prescribed qualification and the candidate with higher qualification without prescribed qualification shall also be considered for selection along with candidates who have the prescribed qualification only”.

Learned counsel for the petitioner would submit that the qualification of Diploma in Civil Engineering possessed by the petitioner is higher than the prescribed qualification, which fact is not seriously opposed by the learned Standing Counsel for respondents. But however, he submits that since all the vacancies are filled up, except one vacancy, which is reserved for 'woman', the case of the petitioner cannot be considered on the basis of the present notification. Learned counsel for the petitioner also did not seriously disputes the same, however, requests that the case of the petitioner may be considered for the notifications to be issued by the respondent in future.

Having regard to the above, the respondents are directed to consider the case of the petitioner for appointments to be made in pursuance of the notifications to be issued in future, if the petitioner is otherwise qualified, in accordance with law.

Accordingly, the Writ Petition is disposed of.

Miscellaneous petitions pending in this petition, if any, shall stand closed. There shall be no order as to costs.

18.04.2017
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JUSTICE C. PRAVEEN KUMAR