

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.5725 OF 2003

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a writ, order or direction more in the nature of Mandamus declaring that the petitioner is entitled for selection and appointment to the post of G.V.V.K. Teacher against the 100 notified vacancies in the educational Institutions located in Tribal Agency Area in Warangal District by the local Schedule Tribe candidates pursuant to the Notification No.E2-C/482/2000, dated 6.7.2000 issued by the Project Officer, I.T.D.A. Eturnagaram strictly adhering to the rules and guidelines issued in G.O.Ms.No.3, SW, dt.10.1.2000 with all consequential benefits by holding the action of the respondents in appointing the Non-Tribals against the vacancies in the schedule area in utter disregard to the claim of the petitioner is as illegal, arbitrary, discriminatory, unjust and subversive of Articles 14, 16 and 21 of the Constitution besides being opposed to the rule of reservation.”

2. It is stated in the affidavit filed in support of the writ petition that respondent No.1 issued Notification No.E2-C/482/2000, dated 06.07.2000, seeking to fill up G.V.V.K. Teachers in Educational Institutions in Tribal Agency Area from only Tribal local candidates, who passed minimum 10th class. The petitioner possesses S.S.C qualification and belongs to local Tribe (Koya) of Padigapur Village of Tadwai Mandal and therefore, applied for the said post. He appeared for the test and fared well and had been expecting appointment orders, since he is a local tribe. However,

the respondents are not filling up all the existing posts of G.V.V.K. Teachers and only published the list of 53 candidates without publishing the results with regard to other vacancies and that too, without following the rules and guidelines in G.O.Ms.No.3, Social Welfare (TW, Education III) Department, dated 10.01.2000. Several other non-tribals were appointed in Tribal Schools ignoring the petitioner's legitimate claim for appointment as Teacher, which is in clear contravention of the Government policy. The action of the respondents in not filling up all the vacancies and filling up only 53 vacancies is illegal and arbitrary. Hence, he filed the present writ petition.

3. Heard and perused the material available on record.

4. Considering all the facts and circumstances of the case, this Writ Petition is disposed of directing the respondents to consider the candidature of the petitioner in the vacancies, if existing, or in the vacancies that arise in future, if the petitioner complies with the conditions imposed in G.O.Ms.No.3, Social Welfare (TW, Education III) Department, dated 10.01.2000. There shall be no order as to costs.

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

JUSTICE RAJA ELANGO

Date: 29.8.2017
AMD

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