

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.11143 OF 2017

ORDER:

Heard learned counsel for petitioner and learned standing counsel for the first respondent.

The petitioner states that he belongs to Scheduled Caste Community and passed B.Tech., (Civil) and also passed short term vocational certificate course examination in ESCO-CAD operator conducted by the State Institute of Vocational Education, Hyderabad. He is eligible and qualified for appointment for the post of Assistant Engineer (Civil). While so, the first respondent issued a Notification No.9/2015 on 29.08.2015 inviting applications for filling up of various posts of Assistant Engineers (Civil) including 42 posts of Assistant Engineers (Civil) in Roads & Buildings Department. As per the said Notification, the qualification prescribed is as follows.

‘(i) Must possess a Diploma in Civil Engineering awarded by the State Board of Technical Education or its equivalent qualification.

(ii) Must possess the Department of Electronics Accreditation of Computer Courses (DOEACC) ‘O’ level computer qualification administered by the DOEACC society under the Ministry of Information Technology, Government of India OR a Diploma or Certificate in Computer Applications awarded by the State Board of Technical Education or its equivalent qualifications as recognized by the State Board of Technical Education.’

Out of 42 posts, 2 posts are earmarked for SC (General) and the petitioner belongs to the said category. He got himself registered in one-time registration as per the instructions of the first respondent. There is no column in one-time registration procedure in respect of computer certificate possessed by the petitioner. Hence, he could not fill up the qualification relating to the computer certification. In the application for the post of Assistant Engineer (Civil) in Roads & Buildings Department also,

no option was given to mention 'O' level certificate and as such, he could not give the information relating to the same. He appeared for the selection process and qualified, but in the selection list, his name did not figure. In fact, none of the Scheduled Caste candidates was selected. When he enquired the Authorities, he was informed that he was not selected as he did not indicate the possession of computer certificate in one-time registration. The petitioner states that as on today, the posts earmarked for Scheduled Caste candidates are not filled up. He also further states that he submitted a representation to the first respondent on 13.02.2017 and when no action was taken, the present writ petition is filed.

A counter affidavit is filed stating that after the written examination, the first respondent short-listed the candidates possessing 'O' level computer qualification or its equivalent qualification for verification of their original certificates. The petitioner did not mention with regard to the possession of 'O' level certificate or its equivalent qualification in his application at column 18(a) and hence, his name did not figure in the select list.

The petitioner obtained information under the Right to Information Act and the information revealed that the certificate possessed by him is sufficient qualification for consideration of his case. He accordingly filed the same in W.P.M.P.No.30736 of 2017. As per the said information, 'PROGE CAD and ESCO CAD issued by institutes recognized by SBTET is also equivalent to 'O' level certificate'.

It is thus evident that the qualification possessed by the petitioner was not uploaded with the application form submitted through online though he possessed the computer certificate. The petitioner submits that there is no provision for uploading the information and hence, he could not do so. In view of the availability of manual certificate, the first respondent

can consider the certificate produced by the petitioner, for which purpose, the petitioner is given one week time from the date of receipt of a copy of this order to submit the representation along with the certificate and the first respondent shall consider the same and issue appropriate orders in accordance with law within a period of two weeks from the date of receipt of the application of the petitioner.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

08.11.2017
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