

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.12970 OF 2013

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking to declare the inaction of the respondents in considering the representation dated 08.03.2013 made by the petitioner for appointing him in any suitable post in respondent-Devasthanam, as illegal and arbitrary.

The case of the petitioner, as seen from the affidavit filed in support of the writ petition, is that she completed M.Com. and B.Ed. from Sri Venkateswara University apart from qualifying in typewriting Higher grade in Telugu and English languages. She also did courses in computer applications. She belongs to 'BC-B' community. On 14.02.2012 she made a representation to the respondent-Devasthanam stating that in pursuance to the notification issued in the year 2010, she has applied for the post of Junior Assistant, which was forwarded to the Deputy E.O., Annadanam Trust on 13.12.2010. Thereafter, in the month of March, 2011, she attended the interview and was informed that results would be communicated later, but no such results were communicated. Since no action was taken on the said representation, she filed W.P.No.18226 of 2016, which was disposed of by this Court on 27.06.2012 directing the respondent to consider the representation of the petitioner. In compliance of the said direction, the respondent-Devasthanam vide proceedings in ROC No.C4/385/MTVAC/TML/2012 dated 09.08.2012 passed a speaking order advising the petitioner to watch the notifications in TTD Website and apply for suitable posts for considering her

candidature on merit basis. It is further stated that pursuant thereto, a notification was issued by the respondent for filling up of the posts of Assistant Accounts Officer, Assistant Technical Officer (Civil), etc. However vacancies were not filled up. As such, again on 08.03.2013 she made another representation to the respondent to consider her candidature for any suitable posts. Inaction on the part of the respondent led to filing of the present writ petition.

A counter came to be filed by the respondent disputing the averments made in the affidavit filed in support of the writ petition. It is the case of the respondent that the request of the petitioner cannot be considered as there was no notification issued by the respondent calling for applications in the year 2011 for the post of Assistant Accounts Officer, Assistant Technical Officer (Civil), etc. It is further stated that the representation dated 08.03.2013 said to have been made by the petitioner was not received by the office of the respondent i.e. recruitment wing. As such, the question of considering the same does not arise.

In such a situation, the learned counsel for the petitioner submits that the request of the petitioner for appointment to the post to which she is entitled may be considered as and when a new notification is issued by the respondent.

The same is not seriously disputed by the respondent's counsel.

Having regard to the facts and circumstances of the case and the rivals submissions made, the Writ Petition is disposed of directing the respondent to consider the case of the petitioner for

appointment, if she is otherwise qualified and eligible, pursuant to the notification to be issued by the respondent-Devastanam in future, in accordance with law.

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

