

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.5866 of 2007 & 4600 of 2009

COMMON ORDER

Heard learned counsel appearing for the petitioner and learned counsel appearing for the respondents.

W.P.No.5866 of 2007 was filed challenging the action of the respondents in not revising the seniority list communicated through proceedings dated 25.01.2007 and to revise the same as per the marks obtained in oral and written test under OC woman category by considering the petitioner's objections dated 9.2.2007.

W.P.No.4600 of 2009 was filed challenging the promotion of the 4th respondent as Assistant General Manager from the cadre of Manager in Nellore District Co-operative Central Bank Ltd., Nellore, by proceedings dated 27.02.2009, without following the Rule of Reservation.

Both the writ petitions are being disposed of by this common order as they were filed by the same petitioner.

The Pottisriramulu Nellore District Co-operative Central Bank conducted written examination for the posts of Managers by way of

direct recruitment by issuing a notification on 03.12.98. Out of five posts notified, three posts were ear-marked for OC, out of which one post was reserved for woman, in respect of the remaining two, one post was reserved for BC-A (Woman) and one post was reserved for SC (woman).

The marks obtained by the candidates, as per the minutes, are as follows:



1.Smt V.Kavitha (OC-Woman)	-	191 marks.
2.Sri S.Krishna Kumar (OC-General)	-	183.80 marks
3.Smt Y.Saritha (OC-Woman)	-	180.40 marks
4.Smt N.V.Nagendra Kumari (BC-A Woman)		179 marks
5.Smt N.Usha Rani (SC Woman)n	-	140.40 marks

It is her case that after observing rota and quota, the seniority should have been fixed as follows:

1.OC-woman Smt V Kavitha	(191 marks)
2.SC-woman Smt N.Usharani	(140.40 marks)
3.OC (Open) Sri S.Krishna Kumar	(183.80 marks)
4.BC-A (woman) Smt N.V.Nagendra Kumari	(179 marks)
5.OC(Open) Smt Y.Saritha	(180.40 marks)

While so, a seniority list was communicated in the cadre of Managers Category-III on 25.1.2007, showing the seniority of the candidates as follows:

Sl.No.	Name of the employee	Date of promotion/ appointment	Date of birth
1.	Sd.Hameed	9.8.1996	1.7.1951
2.	M.Ramalinga Reddy	9.8.1996	2.5.1951
3.	K.Ramana Reddy	10.06.1999	10.04.1949
4.	V.Kavitha	31.12.1999	8.11.1972
5.	N.Usha Rani	31.12.1999	1.7.1978
6.	Y.Saritha	31.12.1999	1.7.1978
7.	N.V.Nagendra Kumari	31.12.1999	22.12.1970

Pursuant to the above, the petitioner submitted an objection on 9.2.2007 stating that her name has to be placed on top (OC-woman Category) as per the rule of reservation among Direct Managers and accordingly, she sought revision of seniority.

A counter affidavit is filed stating that the first vacancy went to OC woman, second vacancy went to SC woman, 3rd vacancy went to OC, 4th vacancy went to BC-A woman and 5th vacancy went to OC. Accordingly, the selection list was revised and the 4th respondent, who was selected against the OC woman vacancy, was placed above the SC, OC and BC-A women.

Thereafter, it appears that two posts of Assistant Managers fell vacant and the 4th respondent was promoted as Manager in the OC woman category and one Usha Rani was selected to the post of Assistant General Manager under S.C women category. The petitioner

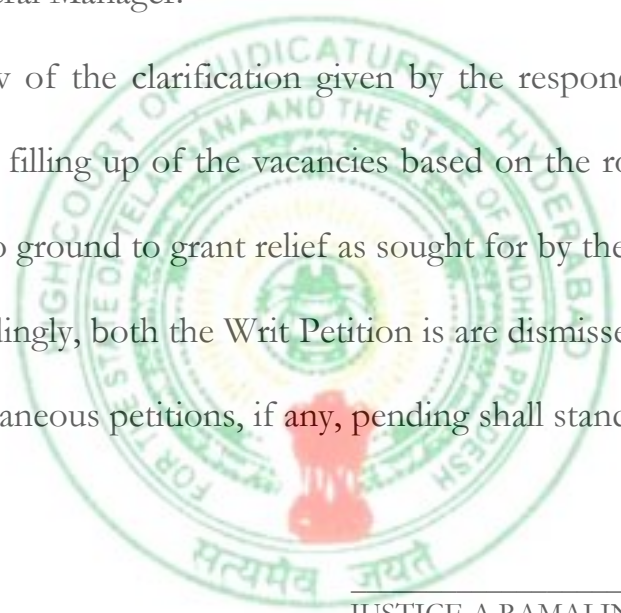
comes under 4th roster point under BC-A women category. Since there were only two vacancies, the petitioner was not promoted as Assistant General Manager in the year 2009, but, later on, she was promoted. The seniority list communicated on 25.01.2007 was only a tentative list.

Now, it is stated that the 4th respondent was promoted as Deputy General Manager and the petitioner is also promoted as Deputy General Manager.

In view of the clarification given by the respondent-Bank with regard to the filling up of the vacancies based on the roster point, this Court sees no ground to grant relief as sought for by the petitioner.

Accordingly, both the Writ Petition is are dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE A.RAMALINGESWARA RAO

12th July, 2017
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