

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.699 OF 2009

ORDER:

The case of the petitioners is that the 1st petitioner joined on 18-06-1993 as Badili Coal Filler in the Company of respondents 1 and 2 and promoted as Coal Filler in the year 1996. The 1st petitioner completed diploma in Mechanical Engineering in the year 2002 and belongs to B.C-D and presently, he is working as Pump Operator (POP) in the respondent-organization. The 2nd petitioner joined as Badili Coal Filler in the organization of respondents 1 and 2. He completed ITI Fitter, Diploma in Mechanical Engineering and belongs to B.C.-B and he is working at S.R.P. 3 & 3 A Mine in Srirampur Area, Adilabad District. The 1st respondent issued a circular reference No.CRP/PER/R/02/05/179, dated 13-05-2008 for filling up of vacancies of Assistant Foreman Trainee (Mechanical) and Assistant Foreman Trainee (Electrical) by internal candidates. As the petitioners having all requisite qualifications applied and appeared in the written examination conducted by the 1st respondent. In the said written test, the 1st petitioner got 23rd rank and the 2nd petitioner got 24th rank with 57.50 and 57.06 marks respectively. The respondents 1 and 2 have not considered the candidature of the petitioners for the post of Assistant Foreman Trainee (Mechanical) on the ground that they have not submitted the caste certificates in time. The petitioners joined in the organization of respondents 1 and 2 and their

personal records including caste certificates are also with them and they could not produce the caste certificate as mentioned in the circular dated 13-05-2008, since they could not get it in time from the Tahsildar, Mancherial, Adilabad District. After obtaining the caste certificates, the petitioners submitted the caste certificates on 29-11-2008 and 03-12-2008 respectively and requested to consider their cases for promotion. The respondents have not considered the case of the petitioners for promotion as per the merit list dated 09-11-2008 in the reservation category i.e. B.C.-D and B respectively and considered the case of respondents 3 and 4 and granted promotion to them. Aggrieved by the same, the present writ petition is filed.

The writ petition is dismissed for default against respondent No.3.

Counter affidavit is filed by the respondents 1 and 2 stating that the petitioners applied in pursuance to the circular dated 13-05-2008 along with applications. The call letters dated 20-0-2008 were issued 20 days in advance to the candidates including petitioners, wherein it was clearly mentioned to the petitioners that they are considered against OC community with local candidature. The petitioners did not raise any objection with regard to their community, which was spelt in the call letter. As such, the candidature of the petitioners was considered as OC community. It is stated that written test was conducted on 09-11-2008 and the results

were displayed on the Notice Board on the same day and also uploaded in the Singareni website detailing the marks secured by the candidates along with vacancies notified. According to para No.4 of the circular referred to above stipulates that the candidates belonging to BC, SC and ST community and wish to avail rule of reservation were advised to submit a copy of permanent caste certificate issued in accordance with GO Ms.No.58, dated 12-05-1997 or caste certificate recently issued by the Revenue Officer not below the rank of Tahsildar or Mandal Revenue Officer. Despite clear instruction given in the notification, the petitioners did not file any proof of caste. It is also stated that the petitioners neither made any representation nor submitted any of the certificates in proof of their community before the selection date. The call letter was issued on 20-10-2008 and uploaded in the respondent-company website and there was about 20 days time to go through the details furnished in the call letter. The petitioners did not submit any representation regarding their caste status even on the date of examination. The result of the selection test comprising written test performance adding the assessment was displayed on the notice board on 09-11-2008 and the same was uploaded in the respondent company website viz., Singareni Web site for information of the candidates. From the merit list dated 09-11-2008 displayed, the name of the petitioners were shown as OC category. But for the reasons best known, the petitioners have not produced

caste certificate within time. Basing on the merit list, selection list was prepared by the Director who is competent authority in this regard on 24-11-2008. Basing on the selection list, the candidates were issued provisional appointment orders on 03-12-2008 calling for medical examination dated 18-12-2008. Accordingly, the candidates have appeared for medical examination on 18-12-2008 and after completion of medical examination, they were imparted induction training from 01-02-2009 at Underground Mechanisation Training Institute, RG.II Area. The petitioners made a subsequent representation dated 30-12-2008 requesting to consider their cases for promotion, by that time, the selection was over and provisional appointment orders dated 03-12-2008 were issued for 30 candidates to report on 18-12-2008 and to under go medical examination and verification of original certificates. The respondents 3 and 4 being BCD, BCB community with local candidature respectively got selected against BCD local vacancy and BCB local vacancy. Once the selection was over and candidates were issued appointment order and hence, there is no need to review again with regard to the subsequent submission of certificates and sought for dismissal of writ petition.

In this case, it is to be seen that even according to the petitioners, they have not submitted caste certificates as envisaged under circular dated 13-05-2008 for seeking promotion. Even the call letters issued to them shows that

they were considered as OC community and though, there is long gap from the date of application and the date of selection, the petitioners could not produce the caste certificates. They made representations after entire election process is over and the selection list is displayed. During said process, the petitioners have sufficient time to furnish caste certificates. But the petitioners have neither made representation nor produced caste certificates before the selections were finalized. Though said facts were asserted, no reply affidavit is filed disputing the same.

In view of above facts and circumstances, it cannot be said that the action of respondents in promoting the respondents 3 and 4 is illegal and erroneous and even the respondent-organization cannot be blamed for not promoting the petitioners under reserved category, as they have not produced caste certificates.

Therefore, I do not see any merit in the writ petition and accordingly the same is dismissed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

05-01-2017

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