

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.702 OF 2009

ORDER:

The case of the petitioner is that the he has applied to the post of Assistant Engineers (Electrical) on contract basis in pursuance to the notification issued by the respondent-organization and he was issued hall-ticket and attended written examination held on 02-12-2007 and the petitioner secured 59 marks in written test. Results were announced in the last week of December, 2007 and he was told that initially for the 29 posts, 70 persons were called for the interview in the first batch and in that batch, BC (B) candidates who got 60 marks were selected and he was told that petitioner's case will be considered in next vacancies. The petitioner also came to know that interviews were held on 27-12-2008 and only nine persons were called for the interview, who got 59 marks and two persons were attended the interview for the post of Assistant Engineer (Electrical). Five posts of Assistant Engineer are still vacant in the 2nd respondent organization by the date of filing writ petition. When the petitioner approached the respondents 2 and 3 on 15-01-2009 and requested them to consider for the post of Assistant Engineer, as no action has been taken, the present writ petition is filed.

Counter affidavit is filed by the respondents stating that as against two OC roster points four candidates (1:2 ratio) are to be called for interview. But nine candidates are called for interview as certain candidates got similar marks

i.e. 59 marks. In this list N.Imam Khasim i.e. the petitioner who got 59 marks is at 5th place and he was called for oral interview. The call letters for the above nine candidates were prepared and the same was dispatched vide Lr.No.CGM/HRD/DS/ASI/POI/A3/D.No.3684/08, dated 16-12-2008. In addition, the candidates were intimated over phone to the phone numbers given in the application by Deputy Secretary. In respect of the petitioner, the call letter was dispatched to the address as mentioned in the application. The Courier service has handed over the letter at the residence of the incumbent at where one K.Padmavathi was received and acknowledged the same. The copy of the acknowledgment is enclosed. During the interviews held on 27-12-2008 only, two candidates attended against nine candidates called for interview. The seven candidates were absent. As per recruitment procedure, the selected candidates were considered for appointment to the post of Assistant Engineer /E1. As stated by the petitioner, that five vacancies are available for recruitment is not at all correct. The petitioner has requested to consider for the post of Assistant Engineer/E1 vide representation dated 16-01-2009 and reply was also given to it vide Lr.No.CGM/HRD/DS1/ASI/POI/A3/D.No.191/09, dated 27-01-2009.

Though reply affidavit is filed, once again the petitioner has reiterated the contents of writ affidavit disputing the

receipt of notice of written test and interview. In this case, it is to be seen that even the respondents specifically stated that they have sent the intimation and informed the date of interview. It is also stated that the respondents considered the representation of the petitioner and passed orders dated 27-01-2009 and in the counter affidavit, the respondents have prepared call letter for the nine candidates and the same was dispatched vide Lr.No.CGM/HRD/DS/ASI/POI/A3/D.No.3684/08, dated 16-12-2008 and selected candidates were considered for appointment for the post of Assistant Engineers. It is also disputed in the counter that there are five vacancies. In view of above facts and circumstances of the case, it is not correct to state that the petitioner was not given opportunity to attend the interview. Hence, I do not see any merit in the writ petition.

Accordingly, the writ petition 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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