

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.23987 OF 2017

ORDER :

It is the case of the petitioner that he joined the respondent Corporation in the year 1992 as Conductor; that the respondent Corporation issued notification for filling up of vacancies by promotion to the post of Junior Assistant (P) and Junior Assistant (F) in the respondent Corporation and also conducted the examination. Accordingly, he has passed the said examination and became eligible for promotion to the post of Junior Assistant (P) and Junior Assistant (F) as per seniority. Thereafter, the respondent called for option from the selected employees for promotion to the said posts and petitioner's name is found at Sl.No.99 in the said list prepared by the Respondent Corporation dated 21.04.2016. On 03.06.2016, the respondent Corporation called the qualified candidates restricting to 35 for promotion to the said posts and selected 35 candidates. Among the said 35 candidates, two candidates by name P.Raja Reddy and A.K.Murthy, who belong to SC Community, had submitted their unwillingness for promotion. Since the petitioner is the next candidate in the SC category, he is entitled for promotion to the said posts. But, when the respondent Corporation did not consider his case for promotion to the said posts, he submitted an application for considering his case. As the same is not being disposed of, petitioner filed WP.No.6750 of 2017, which was disposed of by this Court on 01.03.2017 directing the

respondent Corporation to consider his case for promotion. But, by virtue of impugned proceedings, petitioner's is rejected holding that he will not come under the zone for consideration stating that the two candidates have submitted their unwillingness at the time of posting next roster point, after selection process is over. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and Sri Aravala Rama Rao, learned Standing Counsel for the respondents Corporation.

Learned counsel for the petitioner submits that when once the petitioner is next candidate under SC category and that his name is found in the list of candidates in the selected list, he should have been promoted. In support of his contention, he relied on the Judgment of this Court in ***Government of Andhra Pradesh and others v. Bhagam Dorasanamma and another*¹**.

On the other hand, Sri A.Rama Rao, learned Standing Counsel for the respondent Corporation submits that since the petitioner has not come under the zone for consideration in pursuance to the selections made, he was not selected by the selection committee for promotion, the said two posts were carried forward and fresh notification was already issued and the personal records of the petitioner along with others were also

¹ 2014 (1) ALD 88 (DB)

called for and petitioner's name was listed for consideration. Basing on the counter it is stated petitioner was asked to attend on 08.8.2017 for counselling.

In this case, it is to be seen that even according to the writ affidavit, only 35 posts were recommended by the Departmental Selection Committee for promotion to the posts of Junior Assistants (P) and Junior Assistants (F) and that two selected candidates had given letters submitting their unwillingness. Even according to the petitioner, his case was not recommended by the Departmental Selection Committee for promotion i.e. either Junior Assistant (P) or Junior Assistant (F). As such, petitioner cannot seek direction for filling up of posts remained vacant in pursuant to the earlier notification for promotion. The judgment cited by the learned counsel for the petitioner in ***Government of Andhra Pradesh and others v. Bhagam Dorasanamma and another***, referred to supra is in different circumstances, wherein a selected candidate opting for higher post cannot be equated to either relinquishment or non-joining. In the instant case, since the petitioner was not selected by the Departmental Selection Committee, the question of considering the petitioner's case in respect of earlier notification does not arise. Moreover, in the counter affidavit, it is stated that 2nd notification was also issued and petitioner's case is under consideration for promotion.

In view of the same, I do not see any merits in the writ petition and same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

30.08.2017.
tk

A.RAJASHEKER REDDY, J



HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.23987 OF 2017



Date: 30.08.2017

tk