

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and
The Hon'ble Smt. Justice Kongara Vijaya Lakshmi
Writ Petition No.25813 of 2017
Date: 26.10.2017

Between:

Smt.G.H.Saroja Rao and 3 others

... Petitioners

and

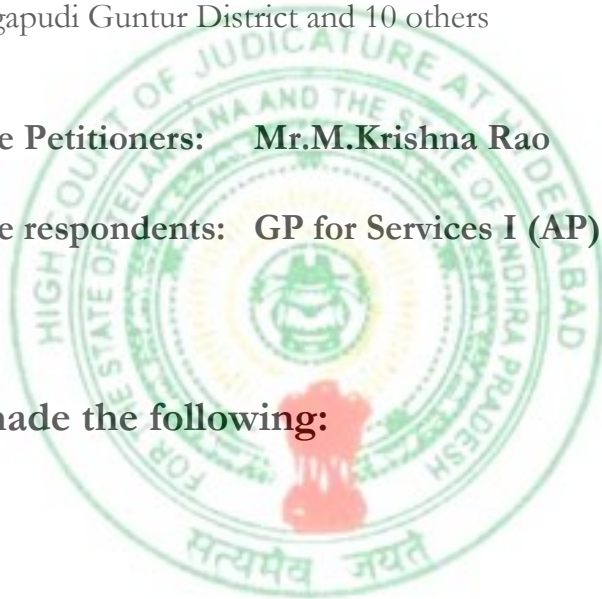
The State of Andhra Pradesh
Rep. by its Prl.Secretary
Education Dept.,
Secretariat, Velagapudi Guntur District and 10 others

...Respondents

Counsel for the Petitioners: Mr.M.Krishna Rao

Counsel for the respondents: GP for Services I (AP)

The Court made the following:



Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioners, who appeared in the selection process for the posts of Secondary Grade Teachers in pursuance of the employment notification issued in the year 1998 by the Krishna District Selection Committee (DSC-98), filed this Writ Petition feeling aggrieved by Common Judgment, dated 30-08-2013, in OA.No.9857 of 2011 and batch on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal').

By the aforesaid Judgment, OA.No.2919 of 2013 filed by the petitioners was dismissed. While dealing with the said Judgment to the extent it related to East Godavari and Prakasam Districts, this Court has rendered a detailed Judgment on 25-10-2016 in WP.No.12452 of 2013 and batch. Therefore, to avoid repetition, we direct that the said order shall be read as a part of this Order.

The main grievance of the petitioners, with which they have filed OA.No.2919 of 2013 and the present Writ Petition, is that though they have got higher marks in their respective categories, some of the candidates, who have secured less marks, have been selected and appointed. The petitioners, in support of their plea, have placed before us a statement, a perusal of which

shows that it contains the names of five candidates, who appeared to have secured lesser marks than those secured by them.

The learned Government Pleader for Services I (AP) has placed before us a statement wherein it is indicated that all the petitioners, who belong to BC-C, either General or Women category, have compared themselves with the four candidates, belonging to BC-A or BC-D either General or Women category, who were selected and appointed.

When a comparison is made between two candidates, it is implied therefrom that they belong to the same category. The marks obtained by a candidate belonging to one category cannot be compared with those obtained by another candidate belonging to a different category, because for each category separate reservations are made and the cut-off marks depend upon the competition among the candidates falling within that category. Therefore, merely because the selected and appointed candidates, who belong to the categories other than those to which the petitioners belong, have got lesser marks, that by itself cannot be a ground to interfere with the selection process.

Mr.M.Krishna Rao, learned Counsel for the petitioners, has added the name of another candidate by name Jesus Mary

belonging to BC-C non-local category to the list of four candidates and submitted that petitioner No.1 belongs to the same category but she is local and that though she has secured 60.50 marks, being local, she should have been selected in place of the said Jesus Mary, who is non-local, but secured 61.52 marks.

The learned Government Pleader submitted that the learned Counsel for the petitioners has obviously referred to and relied upon the merit list and that as per the final selection list, at Serial No.766, the name of V.Sowjanya Kumari is shown and that she belongs to BC-A local category.

The petitioners have not filed the purported selection list based on which they have prepared their statement. The learned Counsel for the petitioners is also unable to state whether the list, based on which he has prepared the statement, is a selection list or a merit list. At any rate, no specific averments have been raised in this regard.

From the facts discussed above, we have no hesitation to hold that the petitioners failed to establish their plea that the official respondents have appointed the candidates with less merit than that of the petitioners.

For the afore-mentioned reasons, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Kongara Vijaya Lakshmi, J)

Dt: 26th October, 2017
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