

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P. NO. 42287 OF 2016

ORDER:

Heard learned counsel for the petitioners as well as learned standing counsel appearing for the respondents and with their consent, the writ petition itself is disposed of at the stage of admission.

2) According to the petitioners, they are working as plaint attendants in the respondents' corporation and they claim to have acquired engineering qualification and are eligible to be promoted for the post of Sub-Engineer. The respondents issued a memo dated 29.6.2016 proposing to fill up the posts of Sub-Engineers by way of appointment by transfer and according to the memo, only in-service candidates having Diploma qualification in any discipline are eligible. Though the petitioners possess higher qualification, they were not called for written test on the ground that they do not possess diploma qualification.

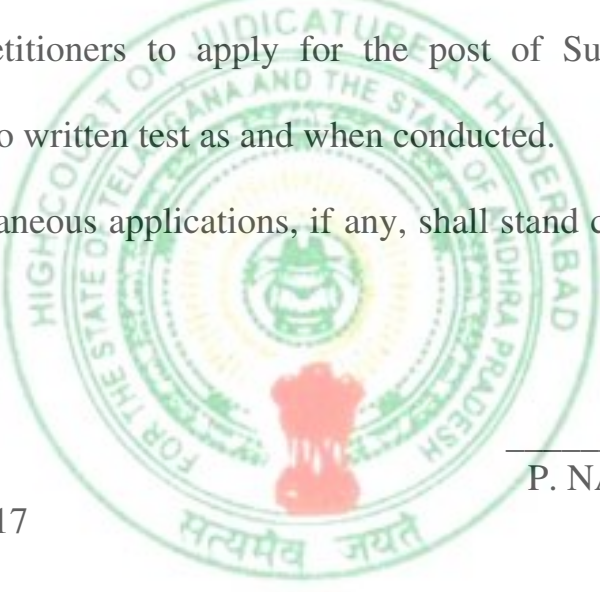
3) The respondents filed their counter-affidavit contending that the petitioners are not eligible to be considered for the post of Sub-Engineer as per the qualifications prescribed in the APSEB Service Regulations and in terms of the said Regulations, candidates who are having only Diploma qualification in any discipline are eligible to be appointed for the post of Sub-Engineer. Further as the petitioners have not made any application/representation to appear for the written test, they were not considered.

4) As the Service Regulations of the respondents do not prohibit consideration of candidate possessing higher qualification than the prescribed qualification, the respondents could not have ignored the claim of the petitioners on the ground that they possess higher qualification. In my opinion, rejection of the petitioners' claim on this ground is not valid. The learned standing counsel appearing for the respondents, on instructions, submitted that so far the written test for the post of Sub-Engineer is not held.

5) The writ petition is disposed of directing the respondents to permit the petitioners to apply for the post of Sub-Engineer and subject them to written test as and when conducted.

6) Miscellaneous applications, if any, shall stand closed. No order as to costs.

Dt. 18.1.2017
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P. NAVEEN RAO, J