

**HONOURABLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.42290 of 2016**

**Date: 06.02.2017**

Between:

K.Ramaneela D/o. Chandraiah, Aged about 23 years,  
Occu:Unemployee, R/o. H.No.1-71, Madireddypalli (V),  
Nawabpet Mandal, Ranga Reddy district.

.....Petitioner

and

The State of Telangana, rep.by its Principal Secretary,  
Home Department, Secretariat Buildings, Hyderabad  
and others.

.....Respondents



The Court made the following:

**HONOURABLE SRI JUSTICE P. NAVEEN RAO**

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**ORDER:**

Petitioner challenges the cancellation of her provisional selection dated 19.02.2015. The very same order was earlier challenged in O.A.No.5985 of 2015 before the Andhra Pradesh Administrative Tribunal at Hyderabad. Counter affidavit is also filed. However, on account of subsequent order of the State of Telangana to abolish Administrative Tribunal insofar as Telangana State is concerned, the matter is neither transferred to High Court nor taken up by the A.P.Administrative Tribunal. In those peculiar circumstances, petitioner instituted this writ petition.

2. Heard Sri N.Ramesh, learned counsel for petitioner and learned Government Pleader for respondents. With the consent of learned counsel for petitioner as well as learned Government Pleaders for respondents, this writ petition is disposed of at the admission stage.

3. In pursuant to the notification issued for recruitment to the post of Civil Police Constable (Women), petitioner participated in the selections and was provisionally selected and was required to furnish attestation forms, but she did not submit filled in attestation forms. Petitioner was *bona fide* under the impression that there would be proper communication regarding filing of attestation forms and further communication for deputing to training. While so, by the impugned order, petitioner was informed that her provisional selection was cancelled.

4. Alleging that petitioner did not turn up for submitting the attestation forms, show-cause notice dated 03.03.2014 was issued calling upon the petitioner to submit explanation why her selection should not be cancelled. On coming to know of show-cause notice and cancellation of provisional selection, petitioner submitted representation on 11.03.2015 informing the recruiting authority that she was not aware of the requirement to submit attestation form and intimation to depute for training and, therefore, she could not immediately respond. According to the petitioner, there was no further response, but even before the service of show-cause notice, dated 03.03.2014, her provisional selection was cancelled.

5. Having regard to the specific contention of the petitioner that show-cause notice was not served prior to the order canceling the selection, the original record was called. On going through the record, it was noticed that there was no acknowledgment of service of show-cause notice dated 03.03.2014 on the petitioner, at any rate prior to issuance of the order canceling her selection, impugned in the writ petition. It is thus seen that without affording due opportunity to the petitioner, her provisional selection was cancelled.

6. On account of successful participation in the recruitment process and selection, a right is accrued to the petitioner. By virtue of the order of cancellation of provisional selection right for public employment is taken away affecting the future of the petitioner as well as resulting in evil and civil consequences. At least, Competent Authority ought to have responded when

petitioner immediately submitted representation informing them that the earlier show-cause notice was not served to her.

7. Having regard to these admitted factual position borne out from the original record of the respondents, the issue for consideration is, what relief can be granted to the petitioner.

8. Admittedly, petitioner did not join in the training course along with all other batch-mates and kept herself in the loop line. Her batch-mates completed their training. Now a fresh batch is in the process of commencing their training after finalization of selection process. Having regard to the fact that training is already completed, it is not equitable to direct retrospective appointment with all the consequential benefits by comparing the petitioner on par with 2013 selection candidates, as it would have serious consequence with reference to seniority and other service matters affecting 2013 batch. The merit rank is determined based on performance in the examination. There has to be a separate examination to petitioner and ranking assigned on the performance in the examination if petitioner is treated as 2013 recruit. As petitioner was not part of 2013 training batch and did not participate in that examination, the marks secured in two different examinations cannot be compared. It is not un-common that one placement in the seniority list seriously affects claims for elevation of status. Having regard to these aspects, counsel for petitioner fairly submitted that petitioner would give up claims on par with 2013 batch. Accordingly, petitioner filed affidavit along with WPMP No.4783 of 2017, which is taken on record. In

paragraph-4 of the petition, petitioner categorically stated as under:

“I am ready to accept for appointment to the present selection as fresh appointee. I submit that I will ready to forego the seniority and other benefits to the earlier notification”.

9. In view of categorical undertaking given by the petitioner and having regard to the fact that there was lapse on the part of respondents in not serving the show-cause notice dated 03.03.2014, writ petition is disposed of, directing the respondents to depute the petitioner for training along with new batch of recruitee selected in pursuant to 2016 notification as and when such candidates are deputed for training and to grant all consequential benefits on par with them. It is made clear that petitioner is not entitled to claim seniority on par with the candidates selected in pursuant to the 2013 notification.

Miscellaneous petitions if any pending shall stand closed.  
There shall be no order as to costs.

**JUSTICE P.NAVEEN RAO**

Date: 06.02.2017  
kkm

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