

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 238 of 2019

ORDER:

This writ petition is filed for the following relief;

“....to issue any writ, order or direction more particularly one in the nature of writ of *Mandamus* by declaring the inaction of the respondent authority in acting on the application of the petitioner to categorize him under B.C.-E category for the recruitment of posts notified vide notification No.10/2018 and 11/2018 and 57/2017 of the respondent authority as illegal, arbitrary and unconstitutional and violative of the principles of natural justice and consequently direct the respondent authority to act on the application submitted by the petitioner dated 21.12.2018 to categorize him under B.C.-E category and categorize him under B.C.-E category for the recruitment of posts notified vide notification No.10/2018 and 11/2018 and 57/2017 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri M.Saleem, learned counsel for the petitioner and Sri D.Balakishan Rao, learned Standing Counsel for the respondent.

It has been contended by the petitioner that he is fully eligible and qualified to be appointed as Staff Nurse; that in pursuance to the notification issued by the respondent vide Notification No.10/2018, 11/2018 and 57/2018, he has submitted application through online on 27.04.2017. The petitioner also contends that he belongs to Muslim Community; that previously the said category was categorized as B.C.-B, later on with the introduction of reservation in favour of Muslim categories, the petitioner would be coming under B.C.-E

category. The grievance of the petitioner is that at the time of filling up online application form, inadvertently, he mentioned his category as B.C.-B instead of B.C.-E. and participated in the selection process but, later he submitted representation to the respondent on 21.12.2018 requesting to permit him to change the category from B.C.-B to B.C.-E.

Learned Counsel for the petitioner asserts that only on verification of original certificate, the respondent would be considering the cases of applicants for appointment to various posts notified, but, in the case of petitioner the respondents are not considering the original caste certificate and representation of the petitioner. Therefore, the counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondent to consider the representation dated 21.12.2018 submitted by the petitioner seeking to change his category from B.C.-B to B.C.-E and pass appropriate orders.

Learned Standing Counsel appearing for the respondent contended that at the time of filling up the online application form, the petitioner has claimed his category as B.C.-B and as such the petitioner cannot be allowed to change the category from B.C.-B to B.C.-E. However, learned Standing Counsel contends that the representation of the petitioner would be considered and appropriate orders be passed, in accordance with law.

This Court having considered the rival submissions made by learned counsel on either side is of the considered view that the writ petition can be disposed of directing the respondent to consider the representation submitted by the petitioner dated 21.12.2018 and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

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

ABHINAND KUMAR SHAVILI, J

15.04.2019
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