

**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
&
HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION No.1393 OF 2018

ORAL ORDER: (per Hon'ble Sri Justice Suresh Kumar Kait)

1. Vide the present petition, the petitioner has assailed the order dated 5.1.2018 passed in O.A.No.5 of 2018 by the A.P. Administrative Tribunal, Hyderabad, whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985 was dismissed.

2. It is not in dispute that the petitioner applied for the post of Junior Assistant under SC/ST Backlog Recruitment, 2014 vide her application No.644. It is also not in dispute that on publication of shortlist, the petitioner filed objections on 4.11.2017 stating that she studied B.Sc., and secured 2846 marks out of 3600 marks, and the percentage of marks is 79.05 and the cut of marks percentage is 73.78. It is an admitted fact that on the representation filed by the petitioner, no communication was sent to the petitioner as to the decision taken by the respondents, and tests for 'Proficiency in Office Automation with Usage of Computers and Associated Software and also typewriting, were conducted on 5.1.2018 and 6.1.2018.

3. From Page No.43-Ex.P7 of the present petition, it is evident that the petitioner submitted her representation prior to the proficiency tests conducted by the respondents, and her representation was sent to the Collector, Prakasam District to examine the request of the petitioner and take necessary action as per the rules in force. The said Collector has not taken any action. The proficiency tests were conducted on 5.1.2018 and 6.1.2018. Since there was no response from the respondents, the petitioner filed O.A.No.5 of 2018, which was taken by the learned Tribunal on mentioning lunch motion. However, the learned Tribunal dismissed the

same by recording that no purpose will be served directing the authorities to permit the petitioner to appear for typewriting test on 6.1.2018 and that the petitioner was not diligent in approaching the Tribunal before the selection process commenced even though she has knowledge about the notice dated 21.12.2017 regarding proposed requisite tests for final selection.

4. The last date for objections to be filed was on or before 6.11.2017. Admittedly, the petitioner submitted her representation on 4.11.2017. Despite that, no decision was taken by the respondents.

5. In view of the discussion recorded above, we hereby set aside the order dated 5.1.2018 passed by the Tribunal in O.A.No.5 of 2018. Consequently, we direct the respondents to conduct the test for Proficiency in Office Automation with Usage of Computers and associated software, to the petitioner. If the petitioner is found eligible, she will be considered for selection. We hereby made clear that the order passed by this Court shall be complied with, within a period of two weeks from the date of receipt of a copy of this order. Further, it is made clear that the selection process, if any, shall be made subject to the eligibility of the petitioner that would be found in the test to be conducted.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE SURESH KUMAR KAIT

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 1st February, 2018.
Nn.

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
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HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1393 OF 2018

(Oral order delivered by the Hon'ble Sri Justice Suresh Kumar Kait)



1/02/2018

Nn.