

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION No.3109 of 2018

ORAL ORDER: (Per Suresh Kumar Kait, J)

Vide the present petition, petitioner has assailed order dated 08.06.2017 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.1064 of 2017, decided along with O.A.No.1036 of 2017 and batch, whereby the O.A., filed by the petitioner was dismissed.

2. The case of the petitioner is that he applied to the post of Stipendiary Cadet Trainee Sub-Inspector of Police in pursuance of notification issued by the State Level Police Recruitment Board, Andhra Pradesh in Rc.No.208/Respondent&T/Rect.1/2006 dated 17.09.2016; he belongs to BC-E category and as he does not fall under "creamy layer", he is entitled to communal reservation under BC-E category.

3. It is the admitted case of the petitioner that he did not submit non-creamy layer certificate along with his application, online. He has got a non-creamy layer certificate dated 28.11.2011. Selection was made on 09.01.2017, whereas he submitted the said certificate only on 28.03.2017. Therefore, his case was not considered by the respondents under the BC-E category.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner could not receive the non-creamy layer certificate relating to BC-E category on the ground that case is pending in the Hon'ble Supreme Court on the issue of reservations of Muslim candidates. The pending issue is relating to providing reservation under BC-E category; therefore the authorities are in a confused state of mind whether to issue non-creamy layer certificate under BC-E category or not; therefore, he could not get the said certificate.

5. The fact remains that candidates who have applied in pursuance of the notification procured certificates, applied under BC-E category and accordingly selected. It is not the case of the petitioner that none of the candidates selected, submitted non-creamy layer certificate and vacancies are lying vacant. The fact remains that all the posts have been filled up under BC-E category.

6. In view of the above, we do not find any illegality or perversity in the order dated 08.06.2017 passed by the learned Tribunal.

7. Writ petition is accordingly dismissed. No order as to costs.

Miscellaneous petitions if any pending in the petition shall stand closed.

February 01, 2018
MRR



SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J