

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3583 of 2008

ORDER :

This writ petition is filed seeking a Writ of Mandamus declaring that the petitioner is entitled for appointment to the post of Junior Lineman on contract basis in the existing vacancies under the control of respondents taking into consideration his length of service and also quota meant for in-service candidates with all consequential benefits by holding the action of respondents in not considering the claim of petitioner for appointment to the post of Contract Junior Lineman on the ground that he has not possessed the qualifications of SSC and ITI even though these qualifications were not prescribed at the time of entry of petitioner into service, as illegal, arbitrary, unjust, violative of Articles 14, 16 and 21 of the Constitution of India.

2. Heard Sri D.Linga Rao, **learned** counsel for petitioner and Sri Zakir Ali Danish, learned Standing Counsel for respondents.

3. It has been contended by the petitioner that he has studied upto 6th Class and was appointed as a Casual Labour through a Contractor in the 33KV Line with the respondents and the respondents have also issued a certificate to the effect that the petitioner has worked on contract basis. The grievance of the petitioner is that as per the policy of respondents, in 50% of the posts of Junior Lineman and other posts, the in-service candidates, who are working under Contractors, are eligible for appointment. It is his grievance that the respondents have issued a

Notification for filling up the post of Junior Lineman during 2006, prescribing the minimum qualifications of SSC and ITI. Admittedly, the petitioner is not having the requisite qualifications. The petitioner is contending that at the time of his entry into service with the respondents as a Casual Labour, the respondents have not insisted for any qualification and while appointing and filling up the post of Junior Lineman, the respondents are insisting for qualifications of SSC and ITI. When the respondents have not insisted for minimum qualification at the time of initial entry, they cannot insist for higher qualifications while filling up the posts on regular basis. The petitioner contends that he had submitted a representation to the respondents on 28.02.2006, but the respondents have not considered the same.

4. The learned Standing Counsel appearing for respondents has contended that as per the notification, the minimum qualifications prescribed are SSC and ITI, and as the petitioner did not possess the said qualifications, he cannot be appointed as Junior Lineman. There are no merits in the writ petition and the same is liable to be dismissed.

5. This Court, having considered the rival contentions of the parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within one week from the date of receipt of a copy of this order, and upon receipt of such representation, the respondents shall consider the same and pass appropriate orders within four weeks thereafter.

6. With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

14th November, 2018

ajr

