

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.1376 OF 2017

ORDER: (per SK,J)

The petitioners are the unsuccessful applicants in O.A.No.3166 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. Their grievance therein was as to the failure of the authorities in issuing them posting orders despite their selection as Lab Technicians Grade-II and Pharmacists Grade-II pursuant to the Notification dated 19.06.2013 issued by the Integrated Tribal Development Agency (ITDA), Eturunagaram, Warangal District, through its Project Officer. By order dated 26.08.2016, the Tribunal dismissed the said O.A. Aggrieved thereby, they are before this Court.

The admitted position is that the Project Officer, ITDA, Eturunagaram, Warangal District, was under a misconception that the sanctioned vacancies of 2010, in terms of G.O.Ms.No.287, Health, Medical and Family Welfare (J2) Department, dated 19.10.2010, remained unfilled and he accordingly issued the Notification dated 19.06.2013 as if there were seven vacancies available in the posts of Lab Technicians Grade-II and seven vacancies available in the posts of Pharmacists Grade-II. However, the said vacancies were filled up in the year 2010 itself and therefore, the question of issuing a notification in 2013 in relation to the said vacancies did not arise. For this lapse on the part of the Project Officer, ITDA, Eturunagaram, Warangal District, the petitioners unfortunately went through the prescribed process and secured selection to the wrongly notified posts of Lab Technicians Grade-II and Pharmacists Grade-II.

Sri Moosa Ahmed, learned counsel for the petitioners, does not dispute the aforestated factual position. He would however state that it is not open to the authorities to play with the lives of the unemployed by issuing notifications in this casual and careless manner and that the petitioners should at least be accommodated against the later vacancies which arose against the subject posts.

We find merit in the submission of the learned counsel to the extent that the authorities cannot resort to issuance of notifications without applying their mind as to the actual number of vacancies available for being notified and filled up. We are however not inclined to accept his later submission that the petitioners should be accommodated against vacancies which arose after their selection. Allowing this measure to be adopted would mean that such posts would be filled up without adhering to the due procedure which would be equally arbitrary and illegal.

The writ petition is accordingly dismissed confirming the order passed by the Tribunal. We would however take this opportunity to strongly remonstrate that the State of Telangana and its officials be mindful when issuing notifications for filling up posts. It is not open to the State to hold out a promise of employment to the vast number of unemployed in the State and thereafter retract, stating that the entire process is liable to be cancelled for a fundamental but wholly avoidable lapse on its part. Pending miscellaneous petitions shall also stand dismissed. No costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:19.11.2018
GJ