

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 25253 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in not appointing the petitioner as Shramik in the vacancy reserved for SC candidate, as illegal and arbitrary. A consequential direction is also sought to the 2nd respondent to appoint the petitioner as Shramik forthwith and protect his seniority on par with his immediate junior.

2. Heard Sri P. Govinda Rajulu, learned counsel for the petitioner, and Sri A. Rama Rao, learned standing counsel for APSRTC appearing on behalf of the respondents.

3. It has been contended by the petitioner that the respondents had issued a notification dated 16.09.1998 calling for applications for filling up the post of Shramik. In all, ten posts were advertised and out of ten posts, two posts were earmarked for SC candidates and eight posts were earmarked for other categories including OCs. He has responded to the said notification and after regular selection process, he was selected and provisionally appointed, but appointment orders were not issued to him. In those set of circumstances, he filed the present writ petition.

4. Learned counsel for the petitioner has contended that as on today, the post of Shramik is not filled up and the case of the

petitioner can be considered for appointment to the post of Shramik. It is further contended that all the ten vacancies, eight vacancies were already filled up and two vacancies were not filled up. The learned counsel submitted that in similar circumstances, in W.P.No.5901 of 2003, this Court granted interim direction and in pursuance of the interim direction, the case of the petitioner in the said writ petition was considered and he was appointed as Shramik. Therefore, he prayed that the case of the petitioner herein may be considered as was done in the case of petitioner in W.P.No.5901 of 2003.

5. On the other hand, learned standing counsel appearing for the respondents has contended that the petitioner is not entitled for appointment as Shramik, as he did not produce the necessary educational qualification certificates required for the post of Shramik. Apart from that, the respondents had issued the notification way back in 1998 and, at this length of time, there cannot be a direction to fill up the post of Shramik.

6. This Court, having considered the submissions made by the parties and perused the record, is of the considered view that the writ petition can be disposed of directing the respondents to consider the case of the petitioner for appointment as Shramik, in accordance with the Rules and eligibility, by duly taking into account his selection in pursuance of the notification dated 16.09.1998 and as was done in the case of petitioner in W.P.No.5901 of 2003, and pass appropriate

orders, within a period of four (4) weeks from the date of receipt of a copy of this order.

The writ petition is, accordingly, disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

24th September, 2018
cbs



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(disposed of)

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