

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

WRIT PETITION No.17198 OF 2018

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

1. Vide the present petition, the petitioners have challenged the order dated 3.10.2017 passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.2186 of 2017, whereby the application filed by the petitioners under Section 19 of the Administrative Tribunals Act, 1985 has been dismissed.

2. The learned Counsel appearing on behalf of the petitioners submits that after publishing the selection list, the Superintendent of Police, Vizianagaram District wrote a letter dated 16.5.2017 to the Chairman, State Level Police Recruitment Board (SLPRB), Andhra Pradesh, Hyderabad, appraising the joint representation made by the Home Guards, Vizianagaram, stating that they were qualified in the merit list of SCT PCs but their names were not figured in the provisional selection order, and the candidates, who got less marks than them in other Districts have been selected. The learned Counsel submits that in the said letter, it is stated that as per the Recruitment notification dated 22.7.2016 of the Chairman, SLPRB, Hyderabad, 8% and 4% is reserved for Home Guards to the posts of Civil PCs and AR PCs respectively, and that according to the notification, 8 posts and 2 posts are to be reserved for Home Guards to the notified posts of 102 Civil PCs and 40 ARPCs respectively from this unit, but as per the result, 4 Home Guards were only selected to the posts of Civil PCs and 1 (one) Home Guard was selected to the post of ARPC from this Unit. The learned Counsel further submits that the Superintendent of Police also sent

marks obtained by each candidate those who made representation, and appraised the Chairman that the cut off marks for Home Guard quota in the unit was high when compared to the other Districts. The representations made by the petitioners were also enclosed with the said letter.

3. The learned Counsel for the petitioners further submits that the candidates in the District of Vizianagaram secured high marks than the candidates of other Districts, and still the total vacancies of 8 were not filled up by the said unit, more over, the Chairman has not acted upon the letter dated 16.5.2017 made by the Superintendent of Police, Vizianagaram, and the representation of the petitioners.

4. The learned Counsel for the petitioners has drawn the attention of this Court to the counter-affidavit filed by the respondents, whereby it is stated that the respondents have not received the communication dated 16.5.2017 from the Superintendent of Police, Vizianagaram. But in subsequent paragraphs Nos.16 to 19 of the counter-affidavit, it is stated as under:

“16. It is further respectfully submitted that under 20% quota, as per their Merit, any candidates can be selected. But, under 80% quota, only local candidates to their respective unit have to be selected. In Srikakulam and Visakhapatnam Districts, the Home Guards, who are native of their districts, were only provisionally selected under 80% quota either in OC or BC or SC or ST or ABOST candidates. Hence, the contention of the candidates who are native of Vizianagaram district and working as Home Guard to consider their candidature in Srikakulam and Visakhapatnam District for Reservation under Home Guard Special category because they have secured more marks than those candidates who were selected under Home Guard Special category in Srikakulam and Visakhapatnam District is untenable because Reservation for Home Guard's comes under 80% category, which

is reserved for locals in view of G.O.(P) No.763, Genl. Admn. (SPF.A) Department, dated 15.11.1975 and amendments.

17. It is specifically submitted that as per the notified vacancies and calculation, there are only 5 vacancies to be filled by reservation to Home Guards OC-3 vacancies, SC-1 vacancy and ABOST-1 vacancy. Against these 4 vacancies following three candidates are selected:-

Sl.No	Name	Remarks	Community	Selected Community
1	Trinadha Rao Betha	Selected	BC-D	OC
2	Uddavolu Simhachalam	Cancelled	BC-A	OC
3	Simhachalam Sattenpalli	Selected	SC	SC
4	Kailasam Kondagorri	Selected	ABO-ST	ABO-ST

18. It is respectively submitted that the third vacancy under OC category was kept vacant because of Court case filed by A. Shankar, O.A.No.503/2017, who is a Home Guard of Telangana State but native of Vizianagaram District. The O.A. was disposed on 5.6.2017 by rejecting the request of candidate. Subsequently, Writ Petition was filed vide 22915/2017 which is pending in High Court. So, one vacancy under OC-HG category in Vizianagaram District will be filled by next meritorious candidate only after disposal of W.P. Further, the selection of U. Simhachalam under PC (Civil)-HG quota of Vizianagaram District was cancelled vide order dated 8.6.2017. It was proposed to fill up these two vacancies under OC-Home Guard quota of Vizianagaram District after disposal of the Court case mentioned above. The two next meritorious candidates in OC-Home Guards category in Vizianagaram District are:-

Sl.No.	Name	Reg.No.	Rank
1	Bobbili Anji	1304786	5967
2	Vasudeva Rao Rathu	1319555	6285

19. In view of the said facts and circumstances and legal position, it is, therefore, prayed that the Hon'ble Tribunal may be pleased to dismiss the O.A.No.2186/2017 as it is devoid of merits in the interest of justice."

5. The facts mentioned in paragraphs Nos.16 to 18 of the counter-affidavit have been considered by the Tribunal, and thereafter, reasoned order was passed.

6. Admittedly, the recruitment is District-wise. In some of the Districts, more meritorious candidates appeared and in some of the Districts, meritorious candidates are less. Therefore, the merit of the other Districts, which has no relevancy, cannot be taken into consideration while selection process is carried out in a particular district. In the present case, in the case of Vizianagaram District, more meritorious candidates appeared and as per the cut off marks, three candidates were selected.

7. In view of the above, we find no grounds to interfere with the order passed by the learned Tribunal. Finding no merit, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.



JUSTICE SURESH KUMAR KAIT

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 14th June, 2018.
Nn.

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

WRIT PETITION No.17198 of 2018

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



14/06/2018

Nn.