

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 1337 of 2011

ORDER:-

This writ petition is filed seeking to issue a writ of *Mandamus* declaring action of the respondent – Devasthanam in not appointing the petitioner as Junior Assistant as per the Proceedings Roc.No. E10/ 9051/ 2008, dated 04.01.2011, as arbitrary and illegal and consequently direct the respondent to appoint the petitioner as Junior Assistant as per the merit list.

Heard Sri P. Gangaremi Reddy, learned counsel for the petitioner and Smt. B.V.Sesha Veni, learned Standing Counsel for Tirumala Tirupathi Devasthanam appearing on behalf of the respondent and perused the material placed on record.

The brief facts of the case are that the petitioner is a graduate and has requisite qualification to be appointed to the post of Junior Assistant. While so, the respondent issued limited Recruitment Notification, dated 26.03.2008 to fill up backlog vacancies i.e. in all, 15 posts for S.C. general category and 08 posts for S.C - women were notified and the petitioner applied for the same. As per the notification, selection has to be made on the basis of the marks obtained in the qualifying examination. Since the petitioner has completed graduation and secured 75.3% of the marks in the examination, she is fully eligible and qualified for the post

and stood first among the meritorious women candidates. In spite of the same, the respondent has not appointed her, but appointed some other persons who have secured less marks than those obtained by the petitioner in the qualifying examination. In such circumstances, the petitioner had submitted a representation to the respondent requesting to fill up the posts strictly in accordance with the notification and appoint her as she stood at S.No.1 in the merit list. The respondent has entertained her representation and issued a show cause notice dated 11.03.2010 to the selected candidates and after considering the explanations submitted by the selected candidates having less merit, issued revised selection list vide proceedings dated 04.01.2011 wherein the petitioner's name is shown at S.No.1. Some of the selected candidates whose selection was cancelled, have filed W.P.No. 9397 of 2010, and this Court, initially granted interim direction in their favour, but subsequently, that writ petition was dismissed by order dated 25.10.2010. Though the revised selection list was issued in favour of the petitioner on 04.01.2011, the respondent has not issued appointment orders in favour of the petitioner. Hence, the present writ petition is filed.

This Court, by order dated 07.04.2011 in W.P.M.P.No. 1632 of 2011 in W.P.No. 1337 of 2011, granted interim

direction to the respondent to consider the claim of the petitioner for appointment to the post of Junior Assistant if she is found eligible based on the marks secured subject to existence of vacancies, in accordance with law. Only when the orders in W.P.M.P. were passed, the respondent issued appointment orders in favour of the petitioner vide proceedings dated 22.06.2011.

Now, the petitioner's grievance is that though she was given appointment orders in pursuance of the order dated 07.04.2011 passed by this Court, her services have not yet been regularized and she is not being paid annual increments.

The learned Standing Counsel for the respondent contends that because of the pendency of this writ petition, the respondent is not in a position to regularize the petitioner's services and grant consequential increments. Since appointment orders were issued to the petitioner in pursuance of the interim orders dated 07.04.2011 passed in W.P.M.P.No. 1632 of 2011, the authorities of the respondent – Devasthanam are waiting for final disposal of this writ petition.

This Court, having considered the rival contentions of both the parties, is of the opinion that the writ petition can be disposed of in view of the fact that the petitioner stood No.1 in the revised selection list. Accordingly, the respondent

is directed to regularize the services of the petitioner and also grant annual increments in pursuance of the appointment orders dated 22.06.2011 issued in her favour, within a period of four weeks from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

23-08-2018

bcj



ABHINAND KUMAR SHAVILI, J