

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.22353 OF 2018

Date: 16.07.2018

Between:

Mrs. Salma Parveen, D/o M.A.Azeez, Aged about 32 years,
Occu: Unemployed, r/o. H.No.1-97/7, Perkit Village,
Armoor Mandal, Nizamabad district.

.....Petitioner

and

The Telangana State Public Service Commission,
Rep.by Principal Secretary, Education Department,
Hyderabad and another.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Telangana State Public Service Commission issued notification No.14/2017 dated 14.04.2017 for selection to the post of Trained Graduate Teachers in various Residential Educational Institution Societies. In all, 196 vacancies are notified by applying rule of reservation. Petitioner has responded to the said notification. Petitioner also claimed her social status as belonging to BC-E category. In the recruitment notification, six vacancies are earmarked to be filled up in BC-E category; two in zone-V and four in Zone-VI. Recruitment process was completed. However, selections were confined to 109 vacancies leaving 77 vacancies unfilled.

2. Alleging that confining selection to 109 vacancies excluding the petitioner from the selection list, though she secured merit is arbitrary and unconstitutional, this writ petition is filed.

3. Having regard to the submissions made by the learned counsel for petitioner on confining the selection to 109 vacancies, the learned standing counsel was directed to obtain written instructions with reference to the merit secured by petitioner vis-à-vis meritorious candidates selected against 30% open category vacancies in zone-V and merit list of four candidates selected against BC-E category in zone-VI.

4. Written instructions furnished to the learned standing counsel would disclose that petitioner secured 53.334 marks in the written examination held on 03.09.2017. The last candidate

selected against BC-E category in zone-VI secured 57.2 marks. In zone-V against 30% unreserved vacancies, it is shown that the last selected candidate against OC (General) secured 64.800 marks; against OC (Women), secured 59.333; and OC (Women) in Girls institutions secured 64.133. Thus, no person who secured less merit than the petitioner was selected against 30% open category vacancies in zone-V and BC-E category in Zone-VI.

5. Learned counsel for petitioner sought to contend that as 77 vacancies are not filled up, petitioner ought to have been considered for those vacancies, including vacancies which were earmarked to BC-A, BC-C and BC-D category. This contention is stated to be rejected. There is no provision in Telangana State and Subordinate Service Rules, 1996 which enable swapping of vacancies among the various categories in Backward Classes in the same recruitment. Rule 22(2) (g) of the Rules, 1996, enables carrying forward of unfilled vacancies and to conduct limited recruitment immediately after the general recruitment if candidates belonging to particular social group are not available in the regular recruitment. Thus, it is not permissible to divert the vacancies reserved for BC-A, B, C & D and to fill up vacancies by BC-E category candidates.

6. I, therefore, see no merit in the Writ Petition and it is accordingly dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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