

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.26755 OF 2018

ORDER :

Heard counsel for petitioner and Sri D.Bala Kishan Rao,
Standing Counsel appearing for 1st respondent.

2. Petitioner belongs to BC-B Community and is also physically handicapped. She studied in Karnataka State up to D.Ed. in 2009.

3. Petitioner applied for the post of Secondary Grade Teacher (SGT) in School Education Department for Kannada Medium Post as per Notification No.53/2017 dt.21.10.2017.

4. Written examination was conducted by the 1st respondent and she obtained 15th rank by obtaining 45.3 out of 100 marks. However, she did not secure appointment and she was not even called for verification of certificates for the post of SGT for Kannada Medium under BC-B Category.

5. Counsel for petitioner relies on a Division Bench judgment of this Court in ***M.Praveen Reddy and Ors. V. Government of A.P., Education Department and Ors.***¹ holding that Rule 22 of the A.P. State and Subordinate Service Rules dealing with reservation would be equally applicable to local and non-local candidates; and that the 1st respondent, having admitted in the counter affidavit that petitioner was not considered in the Reservation Category and was only considered against OC General Unreserved Vacancies, has committed a grave illegality.

¹ MANU/AP/1228/2003

6. Sri D.Bala Kishan Rao, Standing Counsel appearing for 1st respondent admits that the decision referred to above was not followed by the 1st respondent and petitioner was not considered against the BC-B vacancies earmarked for non-local candidates like the petitioner.

7. In the counter affidavit it is admitted by the 1st respondent that the petitioner was considered only against OC General Unreserved Vacancy and not against any reserved vacancies.

8. Therefore, the respondents have clearly violated the Division Bench Judgment in **M.Praveen Reddy's** case (1 supra) by not considering the petitioner's candidature though she is non-local towards the BC-B Category reserved posts, and considering her candidature only against OC General Unreserved Vacancy of SGT for Kannada Medium.

9. Accordingly, the Writ Petition is allowed and the 1st respondent is directed to call the petitioner for verification of the certificates for the post of SGT for Kannada Medium under BC-B Category pursuant to Notification No.53/2017 under the 20% non-local quota and take further action in the matter, within a period of one (01) month from today. No order as to costs.

10. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

27th November, 2018.

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