

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.27028 OF 2018

Dated:20.08.2018

Between:

Dr. G. Madhulatha, BDS, MDS,
D/o. G. Vijay, Aged about 33 years,
Occ: Doctor, R/o. Plot No.66,
Near Rajarajeswari Temple,
Hasthinapuram East, Ranga Reddy,
Hyderabad

.. Petitioner

And

The Telangana State Public Service Commission,
Nampally, Hyderabad, rep., by its Secretary,
and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.27028 OF 2018****ORDER:**

Heard.

2. Petitioner participated in the selections for appointment to the post of Dental Assistant Surgeon pursuant to the recruitment notification No.41 of 2017, dated 15.08.2017. Petitioner belongs to Schedule Caste and is entitled to be considered against Scheduled Caste vacancies reserved for women.

3. According to learned counsel for petitioner, the unofficial respondent is illegally selected though she is not qualified in terms of the recruitment notification. Learned counsel submits that the minimum eligibility required is, securing certificate of Bachelor of General Surgeon from a recognized University and candidate should be registered with the Telangana State Dentists Registration Tribunal. Learned counsel further submits that the unofficial respondent is now prosecuting her Post Graduation course and therefore she is not eligible to be considered for selection and because of the selection of unofficial respondent, petitioner is deprived of her entitled for appointment to the post of Dental Assistant Surgeon.

4. Though the factum of unofficial respondent prosecuting Post Graduation course is not disputed, according to learned Standing Counsel for Telangana State Public Service Commission (TSPSC), the minimum qualification prescribed is B.D.S. only and selection is based on the candidate's performance in the written examination and interview. There is no bar imposed for a candidate to apply to

the post even if such candidate is pursuing Post Graduation course. When there is no bar, the candidature cannot be rejected. However, if the candidate is selected and appointed, such candidate cannot prosecute Post Graduation course. Based on the merit secured by the unofficial respondent, she is selected and appointed. The unofficial respondent accepted the offer of appointment.

5. Learned counsel for petitioner failed to point out the disqualification earned by unofficial respondent as per recruitment notification or recruitment rules governing the post merely because she is prosecuting her Post Graduation course. She does not dispute that the unofficial respondent secured more merit and she also belongs to Scheduled Caste (Women) category.

6. Learned counsel for the petitioner by placing reliance on 'the instructions to candidates' contends that the candidates pursuing Post Graduation course cannot apply.

7. A bare perusal of 'Instructions to Candidates', particularly Paragraph 14 (2), it is clear that the said instruction only cautions the Post Graduation students not to apply as such candidate would not be granted permission to continue his/her Post Graduation course. In other words, by this instruction, the candidates were warned that if they are selected, they cannot be permitted to prosecute Post Graduation course and therefore dissuaded them to apply if they intend to continue their studies. However, there is no bar for applying to the said post. The minimum qualification required is B.D.S. degree. If any candidate, who is prosecuting Post Graduation course, applies, such candidate would be taking the risk of giving up the Post Graduation course if he/she is selected

and appointed as instruction is very clear that candidate would not be permitted to continue the Post Graduation course. Therefore, it is for the concerned candidate, whether to seek employment or to continue to prosecute Post Graduation course, but not a disqualification to seek employment merely because candidate is prosecuting Post Graduation course of study.

8. Therefore, I do not see any error in the selection process undertaken by the TSPSC in selecting the unofficial respondent based on her merit. The Writ Petition merits no consideration.

9. The Writ Petition is accordingly dismissed. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:20.08.2018

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P. NAVEEN RAO, J

