

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.46540 of 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief/ s:

'...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents no.1 to 3 in conferring recruitment power to the 4th respondent and the 4th respondent issuing impugned proceedings Rc.No.C1/9720/2016 dated 1-12-2016 and affixing the same in the Notice board without publishing the same in news papers and further selecting the candidates to the post of Trainee Khalasis is totally arbitrary, irregular, illegal and against Articles 14, 16 and 19 of the Constitution of India and consequently set aside the same and pass such other order or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. I have heard the submissions of Sri P. Ravi Shanker, learned counsel appearing for the petitioners, of Sri K. Sarvabhuma Rao, learned standing counsel, representing the respondents 1 to 3, of the learned Government Pleader for Services representing the 4th respondent; and of Sri K.S.Murthy, learned counsel for impleaded respondents 5 & 6; and of Sri Ch. Satish Kumar, learned counsel appearing for the impleaded respondents 7 to 10.

3. I have perused the material record.

4. Learned counsel for the petitioners would submit as follows: - 'The challenge in the writ petition is to the notification. The notification was only affixed on the notice board without publication in news papers. The candidates to the post of trainee khalasis are selected in an arbitrary manner without giving wide publicity to the process of recruitment. As it is admitted that no wide publicity is given by publishing the notification in news papers, and as the eligible persons had lost an opportunity to apply for the notified post, the writ petition deserves to be allowed.'

5. On 02.01.2017, this Court admitted the writ petition and granted interim stay as prayed for in WPMP.No.57327 of 2016.

6. The respondents 1 to 4 filed vacate petition. The successful selected candidates having sought their impleadment also filed vacate petitions. They

are permitted to be impleaded as respondents 5 & 6 and 7 to 9 & 10 as per orders, dated 19.11.2017, in WPMP.Nos.3004 and 3006 of 2017.

7. Learned Government Pleader for Services appearing for the Revenue Divisional Officer, who was entrusted with the task of recruitment by the District Collector by conferring the necessary powers, while reiterating the contents of the counter-affidavit, *inter alia*, stated as follows: 'As per requisition of Visakhapatnam Steel Plant Authority India Ltd., Headquarters at Hyderabad, lands in the villages of Madharam and Karepalli of Sngareni Mandal; and of Villages of Seripuram and Pocharam of Garla Mandal of Khammam District were acquired for exploitation of Dolomite for Visakhapatnam Steel Plant as the proposed lands are in a compact block. The said villages are under Scheduled Area and the acquisition is for Central Government. Land to an extent Ac.927.33 guntas and patta lands from 210 land owners were acquired *vide* Award Nos.3/82 & 4/82 in the year 1982. Agitations were made by the land losers committee stating that insufficient compensation was received and that the promise made by VSP authorities for providing employment was not fulfilled. As per the meetings held in the presence of the MLA (Wyrā), various officers and land losers committee, it was agreed for providing six permanent jobs out of which three shall be for unreserved category and three shall be for ST category. The minimum age for the post is 18 years; and, maximum age is 35 years and 40 years respectively for unreserved and Scheduled Tribe candidates. The examination to be held was on SSC standard basis. Notification was issued by the RDO for filling up the posts. Notification was displayed in the offices of Tahasildar & MPDO, Karepally Police Station, and all Gram Panchayats concerned and the issue of notification was covered in news items in daily news papers of Khammam District editions. Since it is limited to only land losers' families, notification was not published in news papers and wide publicity is given in all villages and copies of notification were also supplied by the Field Staff of the Revenue Department to families of land losers for information and creating awareness. After the examination was held, on 30.12.2016, at TTDC Khammam, the scripts

were valuated by examiners of Intermediate Education Department and merit list was published in RDO's Office, Khammam, and Tahasildar's Office, Sngareni. Therefore, the writ petition is not maintainable.'

8. As per the submissions of the learned Government Pleader (Services) and learned counsel for the impleaded respondents/ successful selected candidates, all the three writ petitioners, who are aged 40, 42 & 44 years respectively, are ineligible for applying for the notified post of Trainee Khalasi and hence, they did not apply for the above post and they only approached this Court for obstructing the process of filling up of the post after the selection and the recruitment process reached finality. It is also submitted that the brothers of petitioners 1 & 2, who applied for the suitable post, are provided employment and, therefore, the allegation that due to absence of publication of notification in the news papers the families of land losers suffered and eligible persons could not apply to the notified post is false. It is also stated that as the brothers of the petitioners 1 & 2 are provided employment and as one family member each of their respective families secured employment, they are not entitled to any relief.

9. Learned counsel for the petitioners did not dispute the above submissions that the petitioners on account of their advanced ages are ineligible to apply to the post notified and that the brothers of petitioners 1 & 2 are already provided employment.

10. On the above analysis, this Court finds that none of the contentions advanced by the writ petitioners deserve consideration and that the writ petition being devoid of merit is liable for dismissal.

11. In the result, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J