

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17674 OF 2006

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the proceedings dated 31.5.2006, as illegal and arbitrary; declaring the action of the respondents in selecting the candidates by giving 5% weightage marks, who have B.Tech., degree qualification, as illegal and arbitrary; declaring the action of the respondents in not appointing the petitioner in the post of Draughtsman Grade II by recruitment by transfer, as illegal and arbitrary, and consequently, to direct the respondents to appoint the petitioner to the post of Draughtsman Grade II by way of recruitment by transfer in Civil Engineering Department of the respondent-institution with effect from the date of his eligibility i.e., 30.4.1999 with all consequential and attendant benefits.

2. Heard Sri D. Sunil Kumar, learned Counsel for the petitioner and Smt. B.V. Seshaveni, learned Standing Counsel for TTD.

3. It is the case of the petitioner that he was initially appointed as Casual Labour on NMR basis and later, he was absorbed as Mazdoor, TTD Civil Engineering Department w.e.f. 6.5.1991. While he was working as such, he improved his academic qualifications by pursuing the course of Diploma in Civil

Engineering in the year 1999 and thus, he became eligible for recruitment by transfer to the Draftsman Grade II. Since there are no promotional avenues to the Mazdoors, some of his juniors filed W.P.No.9320 of 1994 before this Court on the ground that their cases are not being considered to the post of Draftsman Grade II vide recruitment by transfer. This Court disposed of the said writ petition on 10.5.1994 directing the respondent-institution to consider the case of the petitioners therein for appointment by transfer. In pursuance of the directions of this Court, the case of the petitioners in W.P.No.9320 of 1994 was considered and they were appointed by transfer. Since the petitioner herein is also similarly situated person, the same benefit can be extended to him. But in spite of his representation, his case was not considered by the respondents.

4. The learned Standing Counsel for the respondent-TTD contended that the recruitment rules had been changed in the year 1997 and new rules came into force and that the case of the petitioners in W.P.No.9320 of 1994 was considered because at that time, G.O.Ms.No.375, dated 26.4.1994 was in existence, and the said G.O. was withdrawn in the year 1997 and the petitioner herein is qualified in the year 1999, and as the said G.O. was not in existence, the case of the petitioner could not be considered.

5. Further, the learned Standing Counsel contended that the persons in feeder cadre are promoted to the post of Draftsman II, and if there are no eligible candidates in feeder cadre i.e., tracer, then the candidates who are eligible from other cadre working in TTD be considered for promotion to the post of Draftsman Grade II, and as per the recruitment rules, selection process had been undertaken for filling up the post of Draftsman Grade II during 2005-2006, and in the selection process, the case of the petitioner was also considered and the petitioner stood at Sl.No.13 in the merit list, and only eight posts were filled up and the case of the petitioner could not come up within the zone of consideration and therefore, his case was not considered for appointment by transfer to the Draftsman Grade II.

6. Having considered the rival submissions made by the parties, this Court is of the view that the petitioner though acquired the qualification for appointment by transfer to the post of Draftsman Grade-II, since he could not come up within the zone of consideration, his case was not considered. However, whenever the vacant post of Draftsman Grade II arises, the case of the petitioner shall be considered for recruitment by transfer, if no Tracer is found eligible, and an opportunity shall also be given to the petitioner to compete for selection to the post of Draftsman Grade II along with other eligible candidates.

7. Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 30th August, 2018.
Nn.



HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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30/08/2018

Nn.