

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.33756 OF 2018

DATED :10.10.2018

Between :

Cheekaramelli Deepthi D/o.Ch.Sesha Rao,
Aged about 27 yrs, Occu : Unemployee,
R/o.Flat No.207, Sathupally Towers,
Krushi Bypass Road, Sathupally,
Khammam District.

..

Petitioner

And

The Telangana State Public Service Commission,
Rep., by its Secretary,
Pragathi Bhavan, Nampally,
Hyderabad.

..

Respondent



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and Sri D.Balakishan Rao, learned Standing counsel for the respondent.

2. On 02.06.2017 the Telangana State Public Service Commission, issued Notification Nos.24 of 2017 and 28 of 2017 calling for applications from eligible candidates to participate in the selections for appointment to the post of Librarian in Degree Colleges (Women) in Residential Educational Institutions Societies and Librarian in Junior Colleges in Residential Educational Institutions Societies. Clause (4) of the notification prescribes educational qualifications. It is not in dispute that petitioner possessed the educational qualifications. However, according to clause (4) a person must possess the qualifications as on the date of notification i.e., 02.06.2017. Petitioner applied for the post, participated in the selections and interview is now scheduled. Aggrieved by not calling for interview, this writ petition is filed.

3. According to learned counsel for the petitioner, the final exams were held in May, 2017 but results are announced on 17.06.2017. The certificate of pass was issued on 17.06.2017. According to learned counsel, as the examination was held prior to the cut off date, petitioner's qualification relates back to the date of appearing in the examination and therefore, she was qualified as on the date of notification and not subjecting the petitioner for further selection process is arbitrary.

4. The relevant clause makes it very clear that a person must have the requisite eligibility as on the date of notification. Admittedly results of the examination were not announced on the date of issuance of notification and no pass certificate was issued to the petitioner before the date of notification. On the very same issue, the Hon'ble Supreme Court in ***"Rakesh Kumar Sharma Vs State (NCT of Delhi) and Others¹"***.

4.1 Supreme Court held as under:

"6. There can be no dispute to the settled legal proposition that the selection process commences on the date when applications are invited. Any person eligible on the last date of submission of the application has a right to be considered against the said vacancy provided he fulfils the requisite qualification.

7. In *U.P. Public Service Commission, U.P., Allahabad and another v. Alpna* [(1994) 2 SCC 723], this Court, after considering a large number of its earlier judgments, held that eligibility conditions should be examined as on last date for receipt of applications by the Commission. That too was a case where the result of a candidate was declared subsequent to the last date of submission of the applications. This Court held that as the result does not relate back to the date of examination and eligibility of the candidate is to be considered on the last date of submission of applications, therefore, a candidate, whose result has not been declared upto the last date of submission of applications, would not be eligible.

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16. The legal proposition that emerges from the settled position of law as enumerated above is that ***the result of the examination does not relate back to the date of examination. A person would possess qualification only on the date of declaration of the***

¹ 2013(11)SCC 58

result. Thus, in view of the above, no exception can be taken to the judgment of the High Court.”

(emphasis supplied)

5. In view of law laid down by the Supreme Court in the above decision, the claim of petitioner that he was qualified as on the last date of notification is not valid.

6. In view of the same, there is no merit in the contention of the petitioner and the writ petition is liable to be dismissed. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

10th October, 2018
Rds

P.NAVEEN RAO,J

