

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
&
HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17642 OF 2017

ORAL ORDER: (per Hon'ble Sri Justice Suresh Kumar Kait)

1. Vide the present petition, the petitioner has challenged the order dated 25th April, 2017 passed in O.A.No.362 of 2017 by the A.P. Administrative Tribunal, Hyderabad, whereby the application filed by the 1st respondent under Section 19 of the A.P. Administrative Tribunals Act, 1985 has been allowed.

2. Brief facts of the case are that the 1st respondent applied pursuant to the advertisement No.21/2003 issued by the Composite State of A.P. Public Service Commission for Group-I Posts. She appeared for written test and got provisionally selected. Pursuant to the same, she also appeared for interview on 28th March, 2006. However, she was not issued any posting orders. On 5th January, 2017, she, through her friend, came to know that the petitioner published revised list for Group-I services in pursuance of the judgment of the Hon'ble Supreme Court in Civil Appeal No.4380 of 2009, dated 14th January, 2016 and she was one among the selected candidates. Immediately, she made a representation to the petitioner herein on 6th January, 2017 requesting to allow her to join for Group-I Services in pursuance of the revised list, by stating that she did not receive any call letter while enclosing necessary documents required for appointment. In response to the same, she received a letter dated 19th January, 2017 issued by the petitioner, wherein it is stated that as per the orders of the Hon'ble Supreme Court in Civil Appeal No.4380 of 2009 dated 14.1.2016, the selection process for non-joining vacancies to the post of Mandal Parishad

Development Officer was finalized by issuing paper notification on 19th July, 2016 and by keeping the details in the website and therefore, her representation was not accepted.

3. Learned Standing Counsel appearing on behalf of the petitioner submits that subsequent to the judgment of the Hon'ble Supreme Court as mentioned above, the Commission had identified non-joining/unfilled vacancies, and basing on the merit list, the Commission announced selection results on 15th July, 2016 and posted the same in the Commission's official website with registered numbers, names of the candidates and selected posts etc. It was directed that all the candidates shall have to attend for verification of original certificates on 25th July, 2016. Accordingly, the Commission had given a press publication in daily newspapers having wide circulation in both the states i.e., Eenadu and Hindu. The press publication was published on 20th July, 2016 in the main edition of the newspapers. Apart from the above, it is submitted that news item regarding posting of the results in the official website as per the judgment of the Hon'ble Supreme Court was also published in Eenadu daily newspaper quoting the statement of the Chairman of A.P.P.S.C. Accordingly, ample publicity was given and the Commission has taken all necessary precautions and care to give wide publicity to the results in both States in print media and also in the website of the Commission.

4. Learned Standing Counsel further submits that the Commission has conducted verification of original certificates from 29.7.2016 to 30.7.2016. The list of selected candidates was communicated to the Units Officers belonging to both the States on 13.8.2016. The results were also notified in the website. Thus, it could not be seen that the selection process is concluded by 17th August, 2016 itself by the Commission.

5. The learned Standing Counsel for the petitioner also submits that the aforesaid facts have been ignored by the Tribunal while allowing the O.A. filed by the 1st respondent.

6. It is not in dispute that the 1st respondent appeared in pursuance of the notification No.21/2003 for written test and attended for interview in the year 2006. Till the judgment of the Hon'ble Supreme Court came on 14.1.2016, the 1st respondent was not aware about the results of the said examination. At the time of submitting her application pursuant to the notification No.21/2003, the 1st respondent had given all particulars of permanent address etc. But the petitioner herein did not contact the 1st respondent. However, the Commission had given a publication in the newspapers which she could not see. At the moment she came to know she immediately contacted the petitioner.

7. The learned Tribunal noted that the 1st respondent, who was not aware of the Judgment of the Hon'ble Supreme Court issued in the subject matter and was waiting for posting orders, did not expect that the petitioner is issuing paper notification on 19th July, 2016 at the nook end of the paper and keeping the details in the website before finalizing the selection process for non-joining vacancies to the post of Mandal Parishad Development Officer without intimating about the same personally, though permanent address of the 1st respondent was available with them, to which address only she was communicated about the written test and interview and thereby, the 1st respondent could not join and lost her chance for appointment as Mandal Parishad Development Officer.

8. It is not in dispute that the petitioner did not inform personally to any of the candidates. Total selected candidates were 60 and this occasion

came after more than nine years. Therefore, it is the duty of the petitioner to communicate to the selected candidates personally, apart from giving the above paper publication. But the petitioner failed to do so. The learned Tribunal also observed that if that was the case, the petitioner would have advertised the selection list widely in the main columns of the newspapers in Telugu and English which will be circulated in the entire State. But the petitioner has published the selected list in the paper on 19th July, 2016 at the nook end of the paper and by keeping the details in the website before finalizing the selection process for non-joining vacancies to the post of Mandal Parishad Development Officer, which is not sufficient.

9. It is not in dispute that out of total 28 candidates selected in Multi Zone II, 15 vacancies are still lying vacant. In the affidavit filed by the petitioner in support of the petition, it is stated that the 1st respondent, who is one among the 15 candidates in Multi Zone-II, did not attend for verification of original certificates on 29.7.2016 and 30.7.2016, but she made a representation after long lapse of 4 ½ months after conclusion of the selection. It seems that the 1st respondent is not the only sufferer of the publication 22.7.2016 and other candidates have also not responded to the publication for verification of certificates, which was conducted on 29.7.2016 and 30.7.2016.

10. We note that Ex.P6 at page 48 of this petition is the publication dated 19.7.2016, which is a press note. But it is not a list of the selected candidates. Therefore, the 1st respondent could not notice the press note issued by the petitioner. In the revised result notification dated 22.7.2016, the time for verification of original certificates was granted only from 29.7.2016 to 30.7.2016 i.e., for two days after nine years of the process.

11. In view of the facts recorded above, we find no illegality and perversity in the order passed by the Tribunal.

12. Finding no merits, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE SURESH KUMAR KAIT

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 8th February, 2018.
Nn.



HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
&
HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17642 of 2017

(Oral order delivered by the Hon'ble Sri Justice Suresh Kumar Kait)



08/02/2018

Nn.