

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.36876 OF 2018

ORDER:

This writ petition is being disposed of at the stage of admission with the consent of both counsels.

2. This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of mandamus declaring the action of the 1st respondent in not considering the petitioner's qualification B.Tech (E.C.E.) though qualified in written, Physical fitness and Walking test on par with other Engineering groups who were made eligible like Chemical/Mechanical and civil Engineering for the posts of Forest Section Officers exam conducted by the 1st respondent vide Notification No.47/2017, dated 15.08.2017 as arbitrary and illegal and against the principles of natural justice and consequently direct the respondents to consider the representation of the petitioner, dated 09.07.2018, which was made to consider candidature of the petitioner for the post of Section Officers in the Forest Department in the State of Telangana.

3. Heard Smt. Uma Devi Nama, learned counsel for petitioner and learned Government Pleader for Forest and Sri G.Balakishan Rao, learned standing counsel for APPSC.

4. It has been contended by the learned counsel for the petitioner that the petitioner was working as Beat Officer in the Forest Department and the respondents have issued recruitment notification No.47/2017 inviting applications to fill up the posts of Forest Section Officers. The qualification notified for the post of Forest Section Officers are one must possess a Bachelor's degree in Botany

or Forestry or Horticulture or Zoology or Physics or Chemistry or Mathematics or Statistics or Geology or Agriculture as a subject or a Bachelor's degree in Engineering with Chemical Engineering or Mechanical Engineering or Civil Engineering or any University of India, established or incorporated by or under a Central Act, State Act or Provincial Act or an Institution recognized by the University Grants Commission or an equivalent qualification. The petitioner is a B.Tech. graduate in E.C.E. The principal contention of the petitioner is that the other B.Tech branches of Engineering are made eligible. Electronic Communication Engineering is not mentioned. However, the petitioner contends that the petitioner has studied Mathematics as one of the subjects in the B.Tech. course and his case falls in any other equivalent qualification as mentioned in the notification. The petitioner further contends that pursuant to the said notification, the petitioner was permitted to participate in the selection process and the petitioner is meritorious in the selection process. The respondents are not considering the case of the petitioner on the ground that the petitioner does not possess the requisite qualification set out in the notification. The petitioner further submits that he has submitted a representation to the respondents on 09.07.2018 to consider his candidate by duly taking his qualification as requisite qualification for appointment as Forest Section Officer. But the respondents have not passed orders on the said representation. Challenging the same, the present writ petition is filed.

5. Learned Government Pleader and standing counsel for the respondents contended that the petitioner is not possessing qualification as set out in the notification. As

per the recruitment rules, the case of the petitioner cannot be considered for appointment to the post of Forest Section Officer.

6. This Court having considered the rival contentions made by both counsel, is of the considered view that without expressing any opinion on the merits of the case, the writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner, dated 09.07.2018 and also examine the case of the petitioner whether it falls in any other equivalent qualification and pass appropriate orders within a period of 4 weeks from the date of receipt of a copy of this order.

7. With the above observation, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED: 11-10-2018

Hsd