

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 34721 of 2017

O R D E R:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 07.09.2017 in O.A.No. 1467 of 2017 passed by the A.P. Administrative Tribunal whereby the petitioner was directed to consider the case of the 1st respondent for selection to the post of Assistant Engineer by treating him as local candidate in pursuance of Notification No.9/ 2016, dated 30.09.2016 if he comes within the zone of consideration.

The learned Standing Counsel for Andhra Pradesh Public Service Commission appearing on behalf of the petitioner, submits that the Tribunal, instead of directing the petitioner to consider the case of the 1st respondent for selection to the post of Assistant Engineer by treating him as local candidate, ought to have directed the petitioner only to consider the 1st respondent's case.

It is not in dispute that the 1st respondent is resident of zone-4 and studied from I to VIII Classes in Kadapa District and IX and X classes in Hyderabad. Para – 4 of Notification No.09/ 2016, dated 30.09.2016 is reproduced as under:

“ PARA-4: RESERVATION TO LOCAL CANDIDATES:

Reservation to the Local candidates is applicable as provided in the Rules and as amended from time to time as in force on the date of notification. The candidates claiming reservation as Local candidates should obtain the required Study Certificate(s) (from VI Class to X Class or SSC) or Residence Certificate in the proforma only for those candidates who have not studied in any Educational Institutions as the case may be. The relevant certificates with authorized signature shall be produced as and when required.

DEFINITION OF LOCAL CANDIDATE:

“LOCAL CANDIDATE” means a candidate for direct recruitment to any post in relation to that Local area(s) where he/she has studied in Educational Institution(s) for not less than four consecutive academic years prior to and including the year in which he/she appeared for S.S.C. or its equivalent examination. If however, he/she has not studied in any educational institution during the above four years period, it is enough if he/she has resided in that area which is claimed as his/her local area during the above said period.

In case a candidate does not fall within the scope of above, then, if he/she has studied for a period of not less than seven years prior to and inclusive of the year in which he/she has studied SSC or its equivalent, he/she will be regarded as local candidate on the basis of the maximum period out of the said period of seven years AND where the period of his/her study in two or more local areas is equal such local area where he/she has studied last in such equal periods will be taken for determining the local candidature. Similarly, if he/she has not studied during the above said period in any Educational Institution(s) the place of residence during the above period will be taken into consideration and local candidature determined with reference to the maximum period of residence or in the case of equal period where he/she has resided last in such equal periods.

If the claim for local candidate is based on study, the candidate is required to produce a certificate from the Educational Institution(s) where he/ she has studied during the said 4/ 7-year period. If, however, it is based on residence, a certificate should be obtained from an officer of the Revenue Department not below the rank of a Mandal Revenue Officer in independent charge of a Mandal.

If, however, a candidate has resided in more than one Mandal during the relevant four/ seven years period but within the same District or Zone as the case may be separate certificates from the Mandal Revenue Officers exercising jurisdiction have to be obtained in respect of different areas.”

The learned Tribunal has considered Para-4 of the aforementioned Notification, whereby undoubtedly, the 1st respondent is a local candidate and comes under zone-4. Moreover, the learned Standing Counsel submitted before the Tribunal that if the 1st respondent's case comes within the zone of consideration, his case would be considered for appointment. Accordingly, the learned Tribunal directed the petitioner to consider the case of the 1st respondent for selection to the post of Assistant Engineer by treating him as local candidate if he comes within the zone of consideration in pursuance of the Notification No.9/ 2016, dated 30.09.2016. Therefore, we find no illegality or perversity in the order passed by the Tribunal.

Hence, the writ petition is devoid of merit and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending,
shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

07.02.2018

ABHINAND KUMAR SHAVILI, J

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