

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

I.A.No.2 of 2018 in/and W.P.No.46308 of 2018

&

W.P.Nos. 46747, 46869 and 47001 of 2018

COMMON ORDER:

In these four Writ Petitions, two issues have been raised. One, that the respondents are proposing to fill up posts of Junior Panchayat Secretaries notified vide Notification dt.31-08-2018 by confining the vacancies to General category persons to 45% only and giving reservations to Scheduled Caste, Scheduled Tribes etc. category persons upto 55%, and this is Constitutionally impermissible.

2. It is also contended that for Sports category, 2% is earmarked as per G.O.Ms.No.107 dt.27-07-2018 and G.O.Ms.No.74 dt.09-08-2012, that priorities are mentioned in the annexures to the said G.O.s, which have not been followed and instead of giving appointment to meritorious Sports persons on the basis of the said G.Os., the marks obtained in the qualifying examination are being taken into account.

3. Learned Additional Advocate General appearing for respondents has filed an affidavit of the Commissioner of Panchayat Raj and Rural Employment, Government of Telangana stating:

“1) As per Rules 22(2)(a)(i) The unit of appoint for the purpose of direct recruitment shall be hundred vacancies of which fifteen shall be reserved for Scheduled Castes, six shall be reserved for Scheduled Tribes, twenty nine shall be reserved for Socially and Educationally Backward Classes and remaining fifty

appointments shall be made on the basis of open competition and subject to Rule 22-A of these rules.

2) As per rule 2(e)(i) In the case of appoints to a post referred to in sub-rule (c), the 13th and 37th turns in each unit of hundred vacancies shall be reserved for ex-servicemen. Out of 13th and 37th roster points, preference tone of the two points for women can be given and if women candidates are not available, both the points with men shall be considered. However, wherever the special or adhoc rules provide that there shall be no reserved for ex-servicemen or if a qualified and suitable candidate is not available from ex-servicemen, the turn allotted to ex-service shall be deemed to be allotted to Open Competition.

3)(iii) In the case of appointments to the posts mentioned in clause (d) of sub-rule (2) of Rule 22, the 48th and 98th points turns in each unit of hundred (100) vacancies shall be earmarked to horizontal reservation under Sports Quota in Direct Recruitment. In the event of non-availability of eligible sportsman, the points reserved for them should be deemed to be allotted to Open Competition in the same recruitment'.

4) As per Rule 22(A)(ii) E (b): Out of fifty appointments to be made on the basis of open competition, three appoints shall be reserved for direct recruitment of the persons with disabilities.

It is further submitted that, the above special reservations are not communal reservations and therefore the reservations are not exceeding 50%."

4. In view of the assurance given by the Commissioner, Panchayat Raj and Rural Employment, Government of Telangana and the learned Additional Advocate General that vacancies would be filled up strictly in accordance with 100 point roster mentioned in Rule 22 of the A.P.State and Subordinate Rules, 1996 and they would also determine and consider only the most meritorious sports persons in 2% quota reservation for

Sports category as laid down in G.O.Ms.No.107 dt.27-07-2018 and G.O.Ms.No.74 dt.09-08-2012, these Writ Petitions are disposed of directing the respondents to strictly follow the 100 point roster as per Rule 22 as well as G.O No.107 dt.27-07-2018 and G.O.Ms.No.74 dt.09-08-2012 while recognizing/reviewing the merit list of selected candidates already published. No costs.

5. Consequently, I.A.No.2 of 2018 in W.P.No.46308 of 2018 is dismissed.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

Date: 24-12-2018
Vsv

JUSTICE M.S.RAMACHANDRA RAO

