

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.543 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...To issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that the petitioner is entitled for appointment to the post of Hostel Welfare Officer, Grade-II pursuant to Notification No.55/2011 dated 28.12.2011 as per his merit among the local Scheduled Tribes of Adilabad District with all consequential and attendant benefits by holding the action of the respondents in not considering the just claim of the petitioner for appointment to the post of Hostel Welfare Officer, Grade-II as per his merit without any justification or reasonable cause under the guise of correspondence between the respondents is as illegal, arbitrary, unjust and violative of Articles 14 and 16 of the Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri D.Balakishan Rao, learned counsel appearing for the petitioner, and learned Government Pleader for Services-II appearing for the respondents.

It is the case of the petitioner that pursuant to the notification dated 28.12.2011 issued by the respondents for filling up the posts of Hostel Welfare Officer Grade-II, he applied for the same. He belongs to local Scheduled Tribe candidate in Adilabad District. Initially, the respondents have selected 10 candidates. Four posts of Hostel Welfare Officer Grade-II were earmarked for local Scheduled Tribe candidates. Since one of the selected candidate viz., R.Devidas, who stood at serial No.3, had not submitted the

local Scheduled Tribe Certificate, his candidature was not considered. The District Collector, Adilabad, has addressed a letter to the 2nd respondent-Project Officer on 30-12-2017 stating that the petitioner is the next meritorious candidate to said Devidas and since the said Devidas could not produce the local Scheduled Tribe Certificate, the case of the petitioner has to be considered.

Learned counsel appearing for the petitioner submits that one P.Vanita was given appointment order on 20-1-2018 in the resultant vacancy, as the selected candidate could not produce local Scheduled Tribe Certificate; that since the petitioner stands on the same footing, his case has to be considered on par with P.Vanita; and that appropriate orders be passed directing the respondents to appoint the petitioner as Hostel Welfare Officer Grade-II in the vacancy meant for Scheduled Tribe candidate in Adilabad District.

Learned Government Pleader appearing for the respondents, on instructions, submits that the petitioner is next meritorious candidate to Devidas and as the said Devidas could not produce the local Scheduled Tribe Certificate, his candidature was not considered; that one post of Hostel Welfare Officer Grade-II is lying vacant, which is ear-marked

for Scheduled Tribe candidate; and that case of the petitioner would be considered and appropriate orders would be passed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if a direction is given to the respondents to consider the case of the petitioner in the vacant post of Hostel Welfare Officer Grade-II.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner in the vacant post of Hostel Welfare Officer Grade-II and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

23rd January, 2019
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JUSTICE ABHINAND KUMAR SHAVILI

