

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1746 OF 2019

ORDER:

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in not considering the representation of the petitioner dated 25.01.2019, requesting to extend the pole climbing test for the junior linemen post to be conducted on 31.01.2019 in view of the petitioner getting severely injured in an accident on 06.01.2019, as arbitrary, illegal, unreasonable, unlawful and violative of Articles 14 and 16 of the Constitution of India and sought a consequential direction to the 2nd respondent to consider the representation, dated 25.01.2019, and conduct pole climbing test to the petitioner on any other date after recovery of the health of the petitioner, instead of 31.01.2019.

Heard Sri Ch. Prabhakar, learned counsel for the petitioner, and Sri Zakir Ali Danish, learned Standing Counsel appearing for the respondents.

It has been contended by the petitioner that she was initially appointed as Contract Labour and, after rendering a considerable length of service, his services were regularized as Artisan Grade-II. The petitioner further submits that he is fully eligible and qualified to be appointed as a junior lineman and the respondents have issued notification No.1/2018 on 16.02.2018 for the post of junior lineman. The petitioner, after obtaining necessary permission from

the respondents, have responded to the said notification and he has participated in the written test. He also submitted that he has secured good marks in the written examination and the respondents have issued proceedings dated 16.01.2019 directing him to appear for pole climbing test and also for certificate verification on 31.01.2019. The grievance of the petitioner is that he met with an accident on 06.01.2019 and he is not in a position to participate in the pole climbing test. The petitioner further submitted that he has submitted a representation to the respondents on 25.01.2019 requesting them to postpone the pole climbing test to any other date after the petitioner recovering from the injuries which he has suffered in the accident on 06.01.2019.

Learned counsel for the petitioner submitted that the respondents have not passed any orders on the representation submitted by the petitioner nor communicated any decision to the petitioner whether they are postponing the pole climbing test in respect of the petitioner or not and, therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 25.01.2019 and pass appropriate orders in accordance with law.

Learned Standing Counsel appearing for the respondents had submitted that at any circumstances, the pole climbing test

scheduled to be held on 31.01.2019 cannot be postponed. Learned Standing Counsel further submitted that in all 571 posts in Warangal District have been notified and pole climbing test is one of the requisite requirements and qualification for the post of junior lineman; there are no merits in the writ petition and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation dated 25.01.2019 of the petitioner and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 30th January, 2019.

v v

