

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.1980 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 by declaring the entire action of the respondents in not considering the genuine claim of the petitioner for appointment to the post of Village Revenue Officer against the Ex-servicemen quota even though he was declared as provisionally selected in pursuance of the Notification dt.7.12.2011 issued by the 1st respondent and going on making correspondence whether the Graduation Certificate issued by the Armed Forces Medical Services, Lucknow dt.31.7.2010 consequent on his retirement after completing 16 years of service in the Armed Forces in the rank of Naik despite of his repeated requests and in spite of orders from the Hon'ble Tribunal dt.22.11.2012 in O.A.No.4475/ 2012 and despite of clarifications issued in the similar issue vide G.O.Ms.No.57 Home (General.B) Department dt.13.3.2001 including Govt. of India, Ministry of Human Resource Development, Department of School Education and Literacy, New Delhi vide his letter dt.23.8.2017 is as highly illegal, arbitrary, unjust, improper, colorable exercise of power, opposite to all canons of law and consequently direct the respondents to consider the case of the petitioner for appointment to the post of Village Revenue Officer against Ex-servicemen quota in pursuance of Notification dt.7.12.2011 issued by the 1st respondent by duly taking into consideration of orders of the Government issued in G.O.Ms.No.57 Home (General.B) Department dt.13.3.2001, including clarificatory letter issued by the Govt of India, Ministry of Human Resource Development, Department of School Education and Literacy, New Delhi vide his letter dt.23.8.2017 in the same subject matter with all consequential benefits such as seniority w.e.f. the day on which other Village Revenue Officers appointed in pursuance of Notification dt.7.12.2011 of the 1st respondent on the ground that even though the petitioner herein provisionally selected as on 15.3.2012 but posting orders were not issued on the ground of pendency of clarification with regard to

Graduation Certificate issued by the Armed Forces Medical Services, Lucknow dt.31.7.2010 is equivalent or not and to pass”.

Heard Mr.S.Satyanarayana Rao, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is an ex-serviceman and he has rendered 16 years of service with the Armed Forces and he is fully eligible and qualified to be appointed as Village Revenue Officer. The respondents have issued Notification on 07.12.2011 for recruitment for the posts of Village Revenue Officers. As per the Notification, the minimum qualification for the post of Village Revenue Officer is intermediate. The petitioner submits that the Armed Forces Medical Services had issued Graduation Certificate on 31.07.2010 to the effect that the petitioner has put in more than 15 years of service and having qualification of SSC and he is eligible for appointment to any reserved vacancy having educational qualification as ‘Graduation’.

The grievance of the petitioner is that though he was provisionally selected pursuant to Notification dated 07.12.2011, the respondents have not considered his case for appointment as Village Revenue Officer on the ground that the Graduation Certificate issued in favour of the petitioner by the Armed Forces Medical Services is not equivalent to that of 12th class.

Learned counsel for petitioner submits that the respondents have not passed any rejection order. But, however, in the counter affidavit, it is stated that the Graduation Certificate obtained by the petitioner from the Armed Forces Medical Services is not equivalent

to 12th class and his file was closed without considering his case for appointment as Village Revenue Officer.

Learned counsel for petitioner submits that the issue 'whether the Graduation Certificate issued by the Armed Forces Medical Services is equivalent to 12th class or not' fell for consideration before the Government of India and the same was clarified by the Ministry of Human Resources Development, Government of India, vide letter dated 23.08.2017, that the Graduation Certificate issued by the Armed Forces is equivalent to 12th class and subsequently, the State Government has also taken a policy decision in G.O.Ms.No.57 dated 13.03.2001 to the effect that some preference should be given in favour of ex-servicemen while making appointments.

Learned counsel for petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner in terms of clarification issued by the Ministry of Human Resources Development, Government of India, vide letter dated 23.08.2017 and also G.O.Ms.No.57 dated 31.03.2001 for appointment to the post of Village Revenue Officer.

Learned Government Pleader appearing for respondents has contended that the case of the petitioner would be considered in terms of clarification issued by the Ministry of Human Resources Development, Government of India, vide letter dated 23.08.2017 and also G.O.Ms.No.57 dated 13.03.2001 and appropriate orders would be passed.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing

the respondents to consider the case of the petitioner for appointment to the post of Village Revenue Officer by duly taking into account the clarification issued by the Ministry of Human Resources Development, Government of India, vide letter dated 23.08.2017 and also G.O.Ms.No.57 dated 13.03.2001 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of.

No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

21-02-2019
Prv

ABHINAND KUMAR SHAVIL, J



