

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.2753 OF 2019

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the inaction of the respondents in considering the petitioner's representation dated 02.02.2019 as illegal, arbitrary and against the principles of natural justice and sought a consequential direction to the respondents to consider the petitioner's representation dated 02.02.2019 and pass appropriate orders thereon, and also sought a direction to permit the petitioner to undergo pole climbing test to be conducted in the 2nd phase in pursuance of notification No.1/2018 dated 16.02.2018 for direct recruitment to the post of junior lineman.

Heard Sri P. Rama Sharana Sharma, 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 he is fully eligible and qualified to be appointed as junior lineman and he has responded to the notification dated 16.02.2018 for the post of junior lineman. The petitioner further submits that he has fared well in the written test and while he was about to take the next selection test of pole climbing on 29.01.2019, he suffered with an accident on 16.01.2019 and consequently he could not successfully clear the pole climbing test. The petitioner also submits that he had made an attempt to climb the pole on 29.01.2019 even though he has suffered severe injury to his shoulder. The grievance of the petitioner is that he has submitted a representation to the respondents on 02.02.2019 requesting them to give one more chance to him to undergo the pole climbing test, as he has recovered from the injury which he has suffered on

16.01.2019, but the respondents are neither disposing of the said representation nor permitting him to participate in the pole climbing test scheduled to be conducted in the 2nd phase from 15.02.2019.

Learned counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the representation dated 02.02.2019 submitted by the petitioner and also to permit the petitioner to participate in the pole climbing test.

Learned Standing Counsel appearing for the respondents submits that the petitioner had voluntarily participated in the pole climbing test on 29.01.2019 and since he could not clear the said test on that day, he has submitted a representation to the respondents on 02.02.2019 requesting to permit him to appear for the pole climbing test for the second time, which is not permissible. However, the learned Standing Counsel submits that appropriate orders in accordance with law would be passed on the representation dated 02.02.2019 submitted by the petitioner.

This Court, having considered the rival submissions made by 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 02.02.2019 submitted by the petitioner 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.

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: 13th February, 2019
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