

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.3221 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 the action of the respondents non-inclusion of the petitioner's name in the final selection list for the post of Assistant Executive Engineers (Civil) in RWS&S Department in spite of the petitioner being eligible for the same in pursuance of the G.O.Ms.No.6 Department for Women, Children, Disabled and Senior Citizens (ESTT) dated 20.07.2018 & 12.04.2016, G.O.Ms.No.99, General Administration (Services D) Department, dated 04.03.2013, G.O.Ms.No.196, General Administration (Services-D) Department, dated 28.05.2016 and clause 3 (e) of The Andhra Pradesh State and Subordinate Service Rules, 1996 (Telangana Adaptation) Order 2016, which reiterates that if no suitable candidates are available from the PH category, the turn allotted for them in the unit referred to above shall be carried forward to the succeeding recruitment year for being filled from the same category and also if in that year qualified candidates of the same category are not available, the same shall be notified for being filled up by interchanging from among three categories thereby the petitioner being qualified for the same, and not allotted as illegal, arbitrary and in violation of principles of natural justice and consequently direct the respondents to include the petitioners name forthwith in the final selection list for Assistant Executive Engineers (Civil) in RWS&S Department preferably in Zone-V before considering Zone-VI and to pass such other order or orders as this Hon'ble Court may deem fit in the interest of justice.”

Heard learned counsel on either side.

Learned counsel appearing for the petitioner submits that though the petitioner is eligible for appointment to the post of Assistant Executive Engineer under physically handicapped quota, the respondents are not filling up eight notified vacancies on the ground that no persons are available under physically handicapped quota; that since the petitioner is fully qualified and eligible, the respondents ought to have considered the case of the petitioner for the post of Assistant Engineer ear-marked for orthopedically handicapped quota; and that the petitioner has submitted a representation to the respondents on 12.10.2018, but, so far, no orders have been passed thereon.

Learned Standing Counsel appearing for the 2nd respondent submits that representation of the petitioner dated 12.10.2018 would be considered and appropriate orders would be passed, in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this writ petition is disposed of directing the respondents to consider the representation of the petitioner dated 12.10.2018 and pass appropriate orders thereon, 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.

JUSTICE ABHINAND KUMAR SHAVILI

13th March, 2019
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