

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.3318 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 petitioners name in the final selection list for the post of Assistant Executive Engineer (Civil) in RWS&S department in spite of the petitioner being eligible for the same in VH category in Zone-VI 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 qualified women candidates are available for the said posts reserved for women, qualified men candidates belonging to the same category of disabled persons may be appointed, 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-VI before considering in Zone-V2 and to pass such other order or orders as this Hon'ble Court may deem, fit and proper in the interest of justice.”

Heard Smt B.Rachana Reddy, learned counsel appearing for the petitioner and Sri D.Bala Kishan Rao, learned Standing Counsel appearing for the respondents.

It is the case of the petitioner that the 2nd respondent issued notification dated 17.11.2017 for the post of Assistant Executive Engineer. As per the notification, the respondents have reserved 2 (HH), 1(OH), 1(VH) in male category and 1 (HH), 1(OH) and 1(VH) in women category in Zone-V and 3(HH), 1 (OH), 1(VH) in male category and 1 (VH), 1 (HH) in women category in Zone-VI. The respondents have not filled up one post which was meant for visually handicapped women as there were no qualified candidates available. The petitioner is next meritorious candidate and the respondents are not considering his case for the post which was meant for women candidate.

Learned counsel appearing for the petitioner submits that whenever there was no qualified women candidate available, the respondents can consider the case of men as per G.O.Ms.No.6, dated 12.4.2016 and that appropriate orders be passed directing the respondents to consider the case of the petitioner for appointment to the post of Assistant Executive Engineer in terms of G.O.Ms.No.6, dated 12.04.2016.

Learned Standing Counsel appearing for the respondents submits that the State Government has amended Rule 22-A of the State Subordinate Service Rules and in view

of the same, the case of the petitioner cannot be considered and that appropriate orders would be passed on the representations submitted by the petitioner 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 representations submitted by the petitioner on 25.10.2018, 26.11.2018 and 04.12.2018 and pass appropriate orders thereon by duly taking into consideration G.O.Ms.No.6, dated 12.04.2016 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

3rd April, 2019
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