

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.3227 & 3279 of 2019

COMMON ORDER:

These Writ Petitions are being disposed of by this common order since the issue involved in these Writ Petitions is one and the same.

2. The petitioners are challenging the action of the respondents in not appointing the petitioners as School Assistants (Social Studies) even though they have secured more marks than the other candidates who were appointed by the respondents and seeking declaration that the action of the respondents in appointing less meritorious candidates than the petitioners as illegal and arbitrary.

3. Heard Sri P.V.Ramana, learned counsel for the petitioners and Sri D.Bala Kishan Rao, learned Standing Counsel for the 1st respondent.

4. It has been contended by the petitioners that the respondents have issued Notification No.52 of 2017, dated 21-10-2017 to fill up the posts of School Assistants (Social Studies) and that the petitioners have responded to the said notification as they are fully eligible and qualified to the said posts and accordingly they have participated in the written test. Later, the respondents have published the list of provisionally selected candidates. However, the

respondents have not considered the case of the petitioners. The grievance of the petitioners is that though they have secured more merit in the selection, less meritorious candidates were appointed as School Assistants. Further, the petitioners on coming to know this fact, they have submitted representations to the respondents on 14-02-2019 and 13-02-2019, but so far, the respondents have not passed any orders on the representations submitted by the petitioners nor considered the case of the petitioners for appointment as School Assistants (Social Studies).

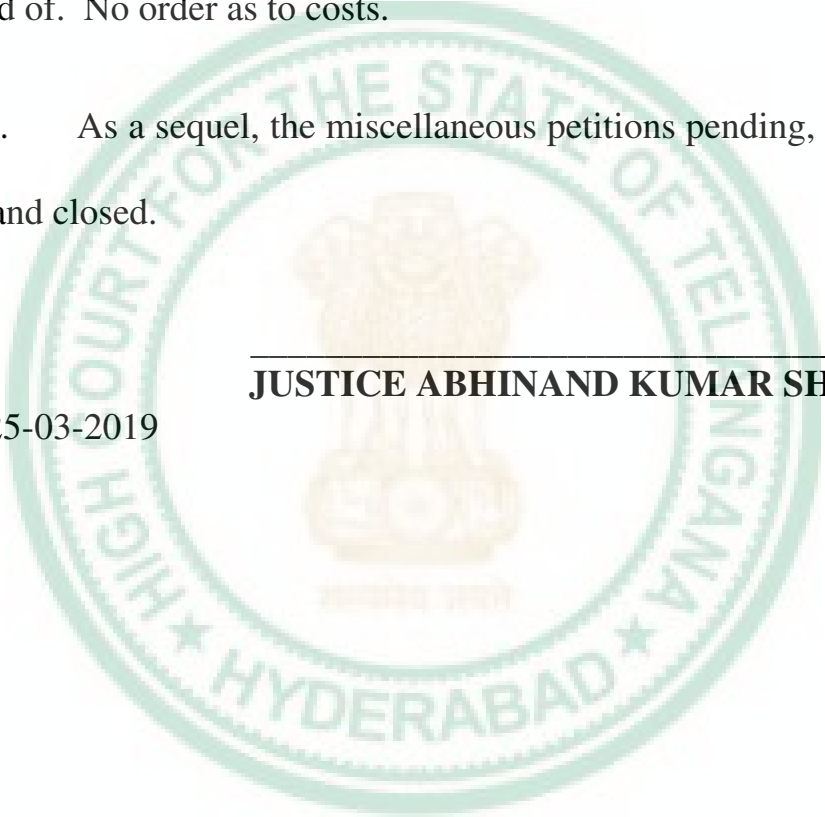
5. Learned Standing Counsel for the 1st respondent, on written instructions, has submitted that the petitioner in W.P.No.3227 of 2019 is not having the minimum requisite percentage of marks in the academic career and therefore her case should not be considered as she was not fulfilling the criteria of minimum academic qualification. In respect of the petitioner in W.P.No.3279 of 2019, he has not produced the local Schedule Tribe Certificate. Therefore, on these grounds, the cases of the petitioners were not considered. Hence, the contention of the petitioners that less meritorious candidates were appointed is totally incorrect and that there is no merit in both the Writ Petitions and therefore the same are liable to be dismissed.

6. This Court, having considered the rival submissions made by both the parties, is of the considered view that the Writ Petition can be disposed of directing 1st respondent to consider the

representations submitted by the petitioners 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 so as to enable the petitioners to know the reason for rejection of their cases and if the petitioners are still aggrieved by the said rejection orders, it is always open for them to pursue their remedies in accordance with law.

7. With the above observations, these writ petitions are disposed of. No order as to costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

Date: 25-03-2019
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