

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3305 of 2019

ORDER :

This writ petition is filed seeking Writ of Mandamus declaring the impugned Selection Notification dated 12.02.2019 published by respondent No.2 of provisionally selected candidates for appointment to the post of School Assistant (Social Studies) under Notification No.52/2017, dated 21.10.2017 issued by respondent No.2, excluding the petitioners Hall Ticket numbers, who are more meritorious than several other selected candidates in their respective reserved categories in their Districts, as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and consequently set aside the same to the extent of the petitioners by directing the respondents to select and appoint the petitioners to the post of School Assistant (Social Studies) under Notification No.52/2017, dated 21.10.2017 issued by respondent No.2, as per their merit in the respective reserved categories in their Districts.

It is the case of the petitioners that petitioner No.1 belongs to SC Community and petitioner No.2 belongs to BC-A Community and both possess the requisite qualification for the post of School Assistant (Social Studies). As per the Notification No.52/2017, dated 21.10.2017 issued by respondent No.2, the qualification prescribed for the post of School Assistant (Social

Studies) is that a candidate must possess a Graduate's Degree with any two of the following subjects as optionals i.e., History/ Economics/Geography/Political Science or Politics/Public Administration/ Sociology/ Psychology/ Philosophy/ Commerce from a University recognised by UGC with 50% marks in either Graduation or Post Graduation (in case of SC/ST/BC/ Differently abled candidates, the minimum marks shall be 45%) and a Pass in Bachelor of Education (B.Ed.) course with Social Studies/Social Sciences/Geography/History/Politics/Political Science/Economics as a Methodology subject from any institution recognised by NCTE. The petitioners contend that though they do not have 50% marks in the Graduation level, they have acquired more than 50% marks in the Post Graduation level and as per the Recruitment Rules, they are fully eligible and qualified to be appointed as School Assistants (Social Studies). The grievance of the petitioners is that though they have acquired more than 50% marks in the Post Graduation level, the respondents are not considering the said qualification as valid and on that ground, the cases of the petitioners are not being considered for appointment to the post of School Assistant (Social Studies).

Heard Sri S. Rahul Reddy, learned counsel for the petitioners; learned Government Pleader for Services appearing for respondent Nos.1 and 3 to 5; and Sri D. Balakrishna,

learned Standing Counsel for respondent No.2 – Telangana State Public Service Commission.

Learned counsel for the petitioners contends that though the petitioners do not have 50% marks in the Graduation level, they have acquired more than 50% marks in the Post Graduation level and as per the Recruitment Rules, they are fully qualified and eligible to be appointed as School Assistants (Social Studies), the respondents are not considering their cases for appointment to the post of School Assistant (Social Studies). The learned counsel, therefore, contends that appropriate orders be passed in the writ petition directing the respondents to consider the qualification possessed by the petitioners as valid and accordingly consider their cases for appointment to the post of School Assistant (Social Studies).

The learned Standing Counsel appearing for respondent No.2 – Commission contends that as per the Notification No.52/2017, dated 21.10.2017, the candidates must have got 50% marks in the Graduation level and also 50% marks in the Post Graduation level in the relevant subjects and since the petitioners did not possess the requisite 50% marks in the Graduation level in the relevant subjects, their cases were not considered for appointment to the post of School Assistant (Social Studies).

The learned Government Pleader for Services, on written instructions, submits that the qualification possessed by the

petitioners is valid and hence their cases have to be considered for appointment to the post of School Assistant (Social Studies). The learned Government Pleader further submits that as per the NCTE Regulations also, the petitioners are qualified and eligible for appointment to the post of School Assistant (Social Studies) as they have secured more than 50% marks in the Post Graduation level.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that when the State Government has taken a decision that the qualification of securing more than 50% marks in Post Graduation level is valid, respondent No.2 – Commission cannot have any objection and reject the cases of the petitioners for appointment to the post of School Assistant (Social Studies) on the ground that they are not qualified. Therefore, this writ petition can be disposed of directing the respondents, including respondent No.2, to consider the cases of the petitioners for appointment to the post of School Assistant (Social Studies) by duly taking into consideration their qualification of securing more than 50% marks in Post Graduation level as valid and if the petitioners stood in the merit list, they can come within the zone of consideration for appointment to the post of School Assistant (Social Studies). It is needless to observe that the entire exercise of considering the cases of the petitioners for appointment to the post of School Assistant (Social Studies)

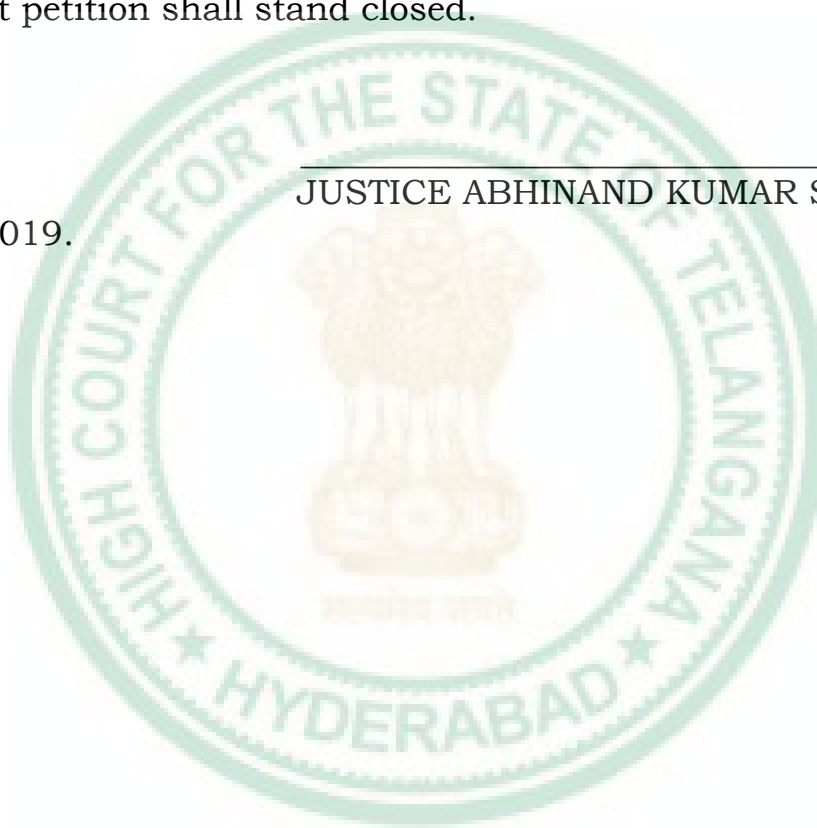
by respondent No.2 shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order and, in any event, before issuing any appointment orders to the selected candidates.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

25.02.2019.
Msr

JUSTICE ABHINAND KUMAR SHAVILI



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3305 of 2019



25.02.2019
Msr