

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3446 of 2019

ORDER :

The issue raised in this writ petition is squarely covered by the order dated 25.02.2019 passed by this Court in W.P.No.3305 of 2019.

It is the case of the petitioner that she belongs to OC Community and possesses 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 petitioner contends that she has acquired 50.33% marks in the Graduation level and as per the Recruitment Rules, she is fully eligible and qualified to be appointed as School Assistant (Social Studies). The grievance

of the petitioner is that though she has acquired 50.33% marks in the Graduation level, the respondents are not considering the said qualification as valid and on that ground, the case of the petitioner is not being considered for appointment to the post of School Assistant (Social Studies).

Heard Sri A. Abhishek Reddy, learned counsel for the petitioner; learned Government Pleader for Services appearing for respondent No.1; and Sri D. Balakrishna, learned Standing Counsel for respondent No.2 – Telangana State Public Service Commission.

Learned counsel for the petitioner contends that though the petitioner has acquired 50.33% marks in the Graduation level and as per the Recruitment Rules, she is fully qualified and eligible to be appointed as School Assistant (Social Studies), the respondents are not considering her case 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 petitioner as valid and accordingly consider her case 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 candidate 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 petitioner did not possess the requisite 50% marks in the Graduation level in the relevant subjects or Post Graduation Certificate, her case was 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 petitioner is valid and hence her case is 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 petitioner is qualified and eligible for appointment to the post of School Assistant (Social Studies) as she has secured more than 50% marks in the 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 Graduation level is valid, respondent No.2 – Commission cannot have any objection and reject the case of the petitioner for appointment to the post of School Assistant (Social Studies) on the ground that she is not qualified. Therefore, this writ petition can be disposed of directing the respondents, including respondent No.2, to consider the case of the petitioner for appointment to the post of School Assistant (Social Studies) by

duly taking into consideration of her qualification of securing 50.33% marks in Graduation level as valid and if the petitioner stood in the merit list, she 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 case of the petitioner 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.

JUSTICE ABHINAND KUMAR SHAVILI

25.02.2019.
Msr

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