

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4333 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue an appropriate writ, order or directions more particularly one in the nature of Writ of Mandamus declare the action of the 2nd respondent in treating the petitioner got 34.267% points instead of 42.83375% from 100% points as per DOP&T OM dated 12 Feb 86 as ex-servicemen eligible for relaxation of standard in the whole recruitment proceedings including service weightage of 20 points as the same is illegal, arbitrary and principles of natural justice and consequently direct the 2nd respondent to give opportunity to the petitioner for selection of Pharmacist Grade-II post in relation to Notification dated 25.01.2018 issued by the 2nd respondent and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri T.Ajay Kumar Goud, learned counsel appearing for the petitioner and learned Standing Counsel appearing for the 2nd respondent.

The petitioner is an Ex-serviceman and is fully eligible and qualified to be appointed as Pharmacist Grade-II. Pursuant to the notification dated 25.01.2018 issued by the 2nd respondent for the post of Pharmacist Grade-II, the petitioner applied. As per the notification, one post was reserved for Ex-serviceman in Karimnagar District and the petitioner is the only Ex-serviceman, who applied for the said post. The

petitioner secured 34.267 points and his case was not considered under Ex-servicemen quota.

The grievance of the petitioner is that as per G.O.Ms.No.103 dated 3.2.1967, the Government has not prescribed minimum qualifying marks to the Ex-servicemen. The State Government repelled the said G.O and inserted new G.O.Ms.No.57, dated 13.03.2001, which says that in case of direct recruitment, if sufficient number of candidates belonging to the Ex-servicemen category are not available on the basis of general standard to fill all the vacancies reserved for them, candidates belonging to the category of Ex-servicemen may be selected under a relaxed standard of selection to make up the deficiency in the reserved quota subject to the condition that such relaxation will not effect the level of performance by such candidates. Since the 2nd respondent is not considering his case, the petitioner submitted a representation on 18.01.2019, but so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner submits that appropriate orders be passed directing the 2nd respondent to consider the representation submitted by the petitioner for appointment to the post of Pharmacist Grade-II under relaxed

standard of selection to make up the deficiency in the reserved quota of Ex-servicemen.

Learned Standing Counsel appearing for the respondents submits that case of the petitioner would be considered and appropriate orders would be passed on the said representation 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 2nd respondent to consider the representation dated 18.01.2019 submitted by the petitioner 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. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th April, 2019
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