

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL

WRIT PETITION No.3832 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in not considering the representation dated 22.01.2018 as illegal and arbitrary and sought a consequential direction to the respondents to consider the representation dated 22.01.2018.

On 07.02.2018, this Court passed the following interim order :-

“..... Pending further orders, the main examinations for the post of Lecturers (Statistics) shall go on, but the final result of the examination shall not be declared until further orders.”.

Learned counsel for petitioner submits that pursuant to the said interlocutory orders, main examinations for the post of Lecturers (Statistics) were conducted on 18.05.2018 and the petitioner was not permitted to appear for the main examinations as there were no directions from this Court to permit the petitioner to appear for the main examinations.

Learned counsel for petitioner contends that after conducting main examinations, interviews were also conducted and the respondents are taking steps to give appointment orders in favour of selected candidates.

Learned counsel for petitioner submits that in all 32 posts were notified by respondents. As against 32 posts only 7 posts were to be filled up as there were no qualified candidates for the remaining 25 posts and contends that appropriate orders be passed in the writ petition directing the respondents to permit the petitioner to appear for the main examinations to be conducted exclusively for the

petitioner and upon such examination being conducted, based upon her performance in the said examination, her candidature to be considered for the post of Lecturer (Statistics) in the unfilled vacancies.

Learned Standing Counsel appearing for respondents contended that the entire selection process is over in the form of main examinations and interviews and during pendency of the writ petition, the petitioner has not taken any steps for passing appropriate orders to permit the petitioner to appear for the main examinations and at this point of time, conducting main examinations exclusively for the petitioner is not feasible and since the petitioner has not sought any directions from this Court to permit the petitioner to participate in the main examinations, the petitioner cannot be allowed to participate in the main examinations and the Telangana State Public Service Commission cannot conduct main examinations exclusively for the petitioner. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This court, having considered the rival submissions, is of the considered view that though there was strength in the arguments advanced by the petitioner, as the respondents have not called the candidates in the ratio of 1:15. Had the respondents have called the candidates in the ratio of 1:15 for the main examinations, the petitioner would have been eligible to appear for the main examinations. But, look at the case on hand in totality, during pendency of this writ petition, the petitioner never made any attempt to seek appropriate directions from this Court to permit the petitioner to participate in the main examinations and in fact the

petitioner sought a direction to the effect that the main examinations for the post of Lecturers (Statistics) shall go on but final results of the examinations shall not be declared until further orders. This Court passed interim order in favour of the petitioner on 07.02.2018, the petitioner ought to have moved appropriate application seeking permission to participate in the main examinations, which was scheduled to be held on 18.05.2018. Since the petitioner allowed the main examinations to go on without seeking permission to participate in the main examinations, this Court is of the considered view that at this point of time, this Court cannot give a direction to the respondents to conduct main examinations exclusively for the petitioner and more so when unfilled vacancies were already notified by the Societies. ...The Societies have issued recruitment Notification for the posts of Lecturers (Statistics). It appears the petitioner is also responded to the Notification issued by the respective Societies for the posts of Lecturers (Statistics)/

In view of the above observations, this Court is not inclined to interfere with the selection process. Hence, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

13-02-2019
Prv