

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.4905 of 2019

ORDER:

Heard Smt M.Vanajakshi, learned counsel for the petitioner and Sri Sai Prasad, learned counsel appearing on behalf of Smt K.Udayasri, learned counsel for the respondents. With the consent of the learned counsel for the respective parties, this Writ Petition is being disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus or any other appropriate writ (i) declare that the petitioner is eligible for the post of Driver in tune with Notification dated 28.12.2018 published in Namsthe Telangana Daily News Paper or alternatively to consider his case by duly taking into consideration of age as on the date of entry into service to the post of Driver in pursuance of the notification; (ii) declare the action of the Respondents in not considering the case of the Petitioner for the post of Driver on the ground of age barred vide proceedings of Screening committee for recruitment of SMS and Driver positions in KVK, Nalgonda (Gaddipalli) dated 04.02.2019 is wholly illegal and contrary.....”

It has been contended by the petitioner that he was appointed as a Driver on temporary basis during the year 2000 with the 1st and 2nd respondents and he has been discharging his duties to the best satisfaction of his superiors and everyone concerned. The petitioner further contends that pursuant to the paper publication issued by the 1st respondent on 28.12.2018 calling for the applications

for the post of a Driver, he made an application for the post of a Driver, as he was working on temporary basis. The petitioner further contends that since he has been working with the respondents for the past 18 years, he requested the authorities to consider his age as on the date of his entry in the organisation or relax the maximum age limit permissible for appointment to the said post. In pursuance of the same, the 1st respondent passed a Board resolution dt.19.01.2019 relaxing his age limit and permitted to take part in the selection. The grievance of the petitioner is that after undergoing regular selection process, the Screening Committee rejected his application vide proceedings dt.04.02.2019 stating that he is not eligible for appointment to the post of a Driver, as he has exceeded age limit even after giving 3 years age relaxation (BC).

Learned counsel for the petitioner contends that though 1st Respondent passed a Board resolution dt.19.01.2019 relaxing the age of the petitioner, the Screening Committee rejected the application of the petitioner on the ground petitioner has exceeded age limit. Therefore, the action of the respondents in rejecting the application of the petitioner is illegal and contrary to the Board resolution dt.19.01.2019. He further contends that the proceedings dt.04.02.2019 rejecting the application of the petitioner are liable to be set aside as they are issued without taking into consideration the Board's resolution

dt.19.01.2019 and without taking into account the fact that the petitioner has been working with the respondents for the past 18 years, and further contends that direction be issued to the respondents to consider the case of the petitioner for appointment to the post of a Driver in terms of the Board Resolution dt.19.01.2019, with all consequential benefits.

Learned Standing counsel appearing for the respondents had contended that the Board has passed a resolution relaxing the age of the petitioner by duly taking into account the fact that the petitioner has been discharging his duties as a Driver from the past 18 years with the respondents on temporary basis and same is reflected in paragraph 7 of the counter affidavit. He further contends that the case of the petitioner would be considered by duly taking into account the Board resolution dt.19.01.2019 and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that the proceedings of the Screening Committee dt.04.02.2019 rejecting the application of the petitioner for the post of a Driver are liable to be set aside as the said rejection orders were passed contrary to the Board Resolution dt.19.01.2019 and accordingly, they are set aside and the respondents are directed to consider the case of the petitioner for appointment to the post of a Driver by duly

taking into account the Board Resolution dt.19.01.2019, within a period of eight weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 04-12-2019
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