

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT APPEAL Nos. 279, 277 and 275 of 2019

Date: 08.04.2019

W.A.No.279 of 2019

Between:

The Telangana State Public Service Commission

...Appellant

and

Suguna Anugu and others

...Respondents

Counsel for the appellant : Advocate General (TG)

Counsel for the respondents 1 to 6: Mr. P. Amarender

W.A.No.277 of 2019

Between:

The Telangana State Public Service Commission

...Appellant

and

G. Nirmala and others

...Respondents

Counsel for the appellant : Advocate General (TG)

Counsel for the respondents 1 to 4: Mr. P. Amarender

Counsel for the respondents 7 to 138: Mr. Vedula Srinivas

W.A.No.275 of 2019

Between:

The Telangana State Public Service Commission

...Appellant

and

Sugur Prasanna and others

...Respondents

Counsel for the appellant : Advocate General (TG)

Counsel for the respondent No.1: Mr. P. Amarender

The Court made the following:

COMMON JUDGMENT: (Per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)

These three appeals arise out of the same impugned order dated 14.02.2019, passed by a learned Single Judge in W.P.No.37892 of 2018, W.P.No.29737 of 2018, and W.P.No.37921 of 2018, whereby the learned Single Judge has directed the appellant, the Telangana State Public Service Commission, to prepare a merit list for the posts of Librarian on zonewise basis.

Briefly, the facts of the case are that the respondents-petitioners are persons who are unemployed, but who are eligible and qualified for appointment to the posts of Librarian. By the notification dated 14.04.2017, the appellant-Commission invited applications from the eligible candidates for recruitment to the posts of Librarian (Schools) in Residential Educational Institutions Societies. According to the respondents-petitioners, while there were 152 vacancies in Zone-IV, there were 104 vacancies in Zone-V. Thus, in total, there were 256 vacancies. The respondents-petitioners applied for the said posts. However, after completion of the selection process, instead of publishing a zonewise merit list, a common merit list was published by the appellant-Commission. Since the respondents-petitioners were aggrieved by the same, they filed their respective writ petitions. By the impugned order dated 14.02.2019, the learned Single Judge, as mentioned hereinabove, directed that the merit list should be prepared zonewise, and not as a combined one. Hence, these appeals before this Court.

Mr. B.S. Prasad, the learned Advocate General for the State, submits that various contentions were raised by the appellant-Commission before the learned Single Judge. For, it was brought to the notice of the learned Single Judge that even if zonewise merit list were to be prepared, even then the respondents-petitioners do not fall

within the zone of consideration, as they have not been able to achieve the marks above the cut-off marks in their respective categories. Therefore, no relief should be granted by the Court in favour of the respondents-petitioners. Despite having raised the said contention, the learned Advocate General pleads that the said contention has gone unnoticed.

On the other hand, the learned counsel for the respondents-petitioners, Mr. P. Amarender, submits that the crucial issues in the case were whether a common merit list is impermissible under the law or not? Or whether a zonewise list has to be prepared according to Rule 6(A) of the Telangana State Public Service Commission Rules or not? According to the learned counsel, the learned Single Judge is justified in deciding the writ petitions only on the crux of the matter, rather than having to deal with the other contentions raised by the appellant-Commission. Therefore, the learned counsel has supported the impugned order.

It is, indeed, trite to state that a Court is expected to deal with all the contentions raised before it. Since a particular contention was raised by the appellant-Commission with regard to the non-eligibility of the respondents-petitioners, as they had failed to achieve the marks above the cut-off marks, the said contention has necessarily to be dealt with by the learned Single Judge. However, a bare perusal of the impugned order clearly reveals that the said contention, although noticed, has not been decided by the learned Single Judge. Therefore, this Court has no other option, but to remand the cases to the learned Single Judge for deciding all the contentions raised before the learned Single Bench.

For the said reason, the impugned order dated 14.02.2019 passed by the learned Single Judge in W.P.No.37892 of 2018,

W.P.No.29737 of 2018 and W.P.No.37921 of 2018 is hereby set aside.

The cases are remanded to the learned Single Judge.

The learned Advocate General for the State informs this Court that in case the writ petitions are not decided immediately, the children studying in the residential schools would be deprived of a Librarian in their schools. Therefore, the writ petitions should be decided as expeditiously as possible.

Keeping in view the request made by the learned Advocate General, this Court requests the learned Single Judge to decide the Writ Petitions prior to the commencement of the Summer Vacation on 02.05.2019.

The learned counsel for the respondents-petitioners is apprehensive that the protection given by the learned Single Judge would not be continued while the matter is pending before the learned Single Judge.

Therefore, it is clarified that the protection given to the respondents-petitioners by the learned Single Judge shall continue during the pendency of the cases before the learned Single Judge.

With these observations, these three Writ Appeals stand disposed of. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, ACJ)

(A. RAJASHEKER REDDY, J)

08th April, 2019
JSU

High Court for the State of Telangana**THE HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN****AND****THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY****Writ Appeal Nos. 279, 277 and 275 of 2019****(Per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)****Date: 08.04.2019****JSU**