

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NOs.5672, 5720, 5993, 6238, 6264, 6307, 6327, 6491,
6583, 6650, 6741, 6773, 6919, 6926, 6928, 6973, 7070, 7451, 7462,
7660 OF 2019

COMMON ORDER:

All these writ petitions are being disposed of by way of common order, as the issue raised in all these writ petitions is one and the same.

The petitioners in all these writ petitions are aspirants for the post of Principal and they have responded to notification No.29/2017 dated 02.06.2017. The petitioners further contended that they were successful in the preliminary screening test and later they participated in the Mains examination. It is the further case of the petitioners that they are within the zone of consideration for being appointed to the posts of Principal and as per the recruitment notification, one must possess a Second Class Master's Degree or its equivalent from an institution recognized by the UGC, in the relevant school subjects for which the Post Graduate Teachers (PGT) are eligible with not less than 50% of marks in aggregate or its equivalent and one must also possess a B.Ed or equivalent degree from an institution recognized by the NCTE with the Teaching Methodology in the concerned subject. Besides the above educational qualifications, one must also possess a total teaching experience of not less than (8) years including not less than (5) years as PGT/J.L in any Government/Aided/Government recognized High School/Junior College and (3) years of administrative experience as Head Master/Principal of Government/Aided/Government recognized High School/Junior College.

According to the petitioners, they have requisite qualifications and they are fully eligible and qualified to be appointed as Principal. The petitioners also contend that at the time of verifying the certificates i.e., the

stage prior to the interview, the Telangana State Public Service Commission had rejected their cases for want of requisite teaching experience i.e., a total teaching experience of not less than (8) years including not less than (5) years as PGT/J.L in any Government/Aided/Government recognized High School/ Junior College and (3) years of administrative experience as Head Master/Principal of Government/Aided/Government recognized High School/Junior College and also teaching methodology.

The grievance of the petitioners is that though they have enclosed requisite duly attested experience certificates issued by the competent authority, the Telangana State Public Service Commission had unilaterally rejected their cases by single line reason for each candidate and without assigning detailed reasons as to why the certificates produced by the petitioners are not valid.

Learned counsel appearing for the petitioners have contended that the action of the Telangana State Public Service Commission in rejecting the cases of the petitioners by a single line reason in respect of each candidate without assigning any detailed reasons, is illegal and arbitrary, therefore, the impugned rejection orders are liable to be set aside and the respondents be directed to consider the cases of the petitioners for appointment to the post of Principals in pursuance of notification No.29/2017 dated 02.06.2017.

Learned Standing Counsel appearing for the 1st respondent had contended that the Telangana State Public Service Commission has considered the cases of the petitioners and also the cases of all the candidates who have appeared for the selections. Learned Standing Counsel further submitted that at the time of verification of the certificates of the candidates, it has come to their notice that many candidates have produced

bogus experience certificates and some of the rejected candidates have even produced the experience certificates of the period prior to their acquiring requisite qualifications. Learned Standing Counsel further submitted that the experience acquired after obtaining requisite qualifications will only be considered and those candidates will only be treated as qualified and with respect to the rest of the candidates, based upon the verification undertaken by the respective District Educational Officers and only after report being submitted by the respective District Educational Officers, their cases were rejected, therefore, the question of considering the cases of the petitioners as qualified in respect of the experience would not arise and there are no merits and the writ petition is liable to be dismissed.

Learned counsel appearing for the petitioners have further submitted that 304 vacancies of Principals were notified and, as per the recruitment notification, the Telangana State Public Service Commission was to shortlist the candidates in the ratio of 1:2 at the time of calling for interview, but in the instant case, since the cases of nearly 950 candidates were rejected with single line reason against each candidate and without assigning detailed reasons, there are only 307 candidates who are qualified and who will be facing the interview, therefore, the requirement of 1:2 ratio is not fulfilled and the rejection orders passed in respect of 950 candidates is mechanical and without application of mind. Learned counsel for the petitioners, therefore, contend that let the Telangana State Public Service Commission examine individual case of the petitioners and pass appropriate individual speaking orders, instead of one proceedings without assigning detailed reasons.

This Court, having considered the rival submissions of the parties, is of the considered view that the Telangana State Public Service Commission has rejected the cases of nearly 914 cases without assigning detailed reasons. From a perusal of the impugned rejection order, it is palpable that it is made without application of mind, as against S.No.17, it is stated “no administrative exp.” and against S.No.21, it is stated “no teaching exp.” This kind of rejection order is arbitrary and the same cannot be sustained. When the petitioners have contended that they have submitted requisite experience certificates of both teaching experience and administrative experience, without dealing their individual case, the Telangana State Public Service Commission has rejected their cases with a simple rejection order running into 31 pages and against each candidate, a single line reason is assigned. It is interesting to note that the rejection order starts as follows: “The following candidates have been Rejected for the post of Principal in Schools vide Notification No.29/2017 due to the various reasons mentioned against their Hall Ticket numbers.” Giving a single line reason for rejection of each candidate shows that the rejection orders are passed without application of mind. If the contention of the learned Standing Counsel that the cases of the candidates were rejected based on the respective DEO’s report is correct, then the Telangana State Public Service Commission should have passed individual rejection orders based upon the DEOs report, but no such attempt is made. Therefore, this Court is of the considered view that the impugned rejections orders passed by the Telangana State Public Service Commission are liable to be rejected.

Accordingly, the writ petitions are allowed setting aside the impugned rejection orders and all the rejected candidates are directed to submit individual representations by enclosing the experience certificates to

the Telangana State Public Service Commission and, upon such representations being received, the Telangana State Public Service Commission shall examine each individual case on its merits and pass individual speaking orders within a period of four weeks thereafter. In pursuance of this order, the Telangana Public Service Commission shall publish in its website and also in two leading newspapers about opportunity being given to all the candidates whose cases were rejected by fixing clear two weeks' time to receive their representations.

Consequently, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

10th April, 2019
v v

ABHINAND KUMAR SHAVILI, J

