

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6042 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to declare the action of the respondent in not disposing the representation of the petitioner dated 18-02-2013 submitted through proper channel for counting the extraordinary leave sanctioned from 01-12-2007 to 10-06-2010 for prosecuting LLB Course for increments notionally as illegal and arbitrary by issuing appropriate writ, order or direction more particularly in the nature of Mandamus and consequently direct the respondent to consider and pass orders on the representation of the petitioner dated 18-02-2013 in accordance with law forthwith and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

Heard Sri K.Rama Subba Rao, learned counsel appearing for the petitioner and learned Government Pleader for Home appearing for the respondent.

It is the case of the petitioner that initially, he was appointed as Junior Assistant, later on, he was promoted as Senior Assistant. The petitioner had applied leave from 01.11.2008 to 01.11.2010 for prosecuting LLB Course. But the said extraordinary leave period is not being considered for grant of increments notionally. Hence, the petitioner has submitted a representation to the respondent on 18.02.2013 requesting him to consider the said extraordinary leave period

for the purpose of granting notional increments. But, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner submits that appropriate orders be passed directing the respondent to consider the representation submitted by the petitioner on 18.02.2013.

Learned Government Pleader appearing for the respondent submits that case of the petitioner would be considered and appropriate orders would be passed on the said representation submitted by the petitioner.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the respondents to consider the representation submitted by the petitioner on 18.02.2013 and pass appropriate orders in accordance with law, within a period of six 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

28th March, 2019
rkk

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.5696 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“....to issue an appropriate order or direction more particularly a writ of Mandamus by declaring the action of the respondents in not permitting the petitioners to participate in the Physical Measurements Test (PMT) and Physical Efficiency Test (PET) on the untenable ground that they have not produced the agency area local Scheduled Tribe Certificate as per G.O.Ms.No.24, dated 12.06.2018, even though the petitioners were qualified in the preliminary written test conducted by the respondents pursuant to the recruitment notification issued by the 2nd respondent *vide* proceedings Rc.No.89/Rect/Admn-1/2018, dated 31.05.2018 and proceedings Rc.No.88/Rect/Admn-1/2018, dated 31.05.2018 for the direct recruitment of Stipendiary Cadet Trainee SCT Sub Inspector of Police Civil, SCT RSIAR, SCT RSI, SAR, CPL, SCT RSI TSSP, Station Fire Officer, Deputy Jailors and SCT

PC (Civil) (men and women), SCT PC (AR), SCT PC SAR CPL, SCT TSSP etc., respectively as illegal, arbitrary, abuse of process of law and violation of principles of natural justice and contrary to rules and consequently direct the respondents to permit the petitioners to participate in the Physical Measurements Test (PMT) and Physical Efficiency Test (PET) as per the agency area certificates issued by the concerned Tahsildars earlier in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Heard Sri S.Surender Reddy, learned counsel appearing for the petitioners, learned Government Pleader appearing for respondent Nos.1, 3 and 4 and Sri M.V.Rama Rao, learned Standing Counsel appearing for respondent No.2.

It is the case of the petitioners that they belong to Scheduled Tribe Community (ST). Pursuant to the notification issued by the respondents on 31.05.2018, the petitioners have applied for the posts of Police Constable and Sub Inspector of Police. They have qualified in the preliminary written test. The respondents have issued intimation letters directing the petitioners to appear for the Physical Measurement Test and Physical Efficiency Test scheduled to be held in the month of March, 2019. Further, the candidates, who are claiming relaxation in physical standards were directed to produce the Agency Area Certificate as per G.O.Ms.No.24, dated 12.06.2018, which was issued after the notification. As on the date of issuance of notification, the

Tahsildars are empowered to issue the Agency Area Certificate. Accordingly, they were given the Agency Area Certificates and they have uploaded the same online. When the petitioners have appeared for the Physical Measurement Test and Physical Efficiency Test, the 4th respondent has not allowed them to participate in the said tests on the ground that they have to submit Agency Area Certificates from 1950 onwards as per G.O.Ms.No.24, dated 12.06.2018. Hence, the present writ petition is filed

Learned counsel appearing for the petitioners submits that at the time of issuance of the notification, G.O.Ms.No.24, dated 12.06.2018 was not in existence; that the respondents are insisting the petitioners to produce Agency Area Certificates from 1950 onwards as per G.O.Ms.No.24, dated 12.06.2018; that the Tahsildar, who is the competent authority, had issued the Agency Area Certificates in favour of the petitioners to the effect that they belong to local area Scheduled Tribe, but the respondents are not taking into consideration the said certificates and insisting to produce Agency Area Certificates from 1950 onwards as per G.O.Ms.No.24, dated 12.06.2018; and that appropriate orders be passed directing the respondents to consider the cases of the petitioners based on

the certificates issued by the Tahsildar in respect of local area Scheduled Tribe.

Learned Standing Counsel appearing for the 2nd respondent submits that at the time of uploading online application form, the 2nd respondent has not insisted for any Agency Area Certificates; that after completion of preliminary written test, and after issuance of G.O.Ms.No.24, dated 12.06.2018, the candidates were called for Physical Measurement Test and Physical Efficiency Test; that the respondents have rightly insisted the petitioners to produce Agency Area Certificates in terms of the said G.O.; that the 2nd respondent is permitting the candidates to appear for the Physical Measurement Test and Physical Efficiency Test after taking an undertaking that they would produce the said certificates in terms of G.O.Ms.No.24; that the 2nd respondent is conducting Physical Measurement Test and Physical Efficiency Test scheduled to be held on 28.03.2019 and 29.03.2019 to all the candidates, as a last chance; that the petitioners are also permitted to appear for Physical Measurement Test and Physical Efficiency Test provided they shall give an undertaking before the authority that they would secure Agency Area Certificates strictly in terms of

G.O.Ms.No.24, dated 12.06.2018 within one month from the date of giving such an undertaking.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the 2nd respondent has permitted the petitioners to appear for Physical Measurement Test and Physical Efficiency Test subject to condition that they shall produce Agency Area Certificates in terms of G.O.Ms.No.24, dated 12.06.2018.

Accordingly, the Writ Petition is disposed of. The 2nd respondent is directed to permit the petitioners to appear for Physical Measurement Test and Physical Efficiency Test scheduled to be held on 28.3.2019 & 29.3.2019 respectively, subject to condition of the petitioners giving an undertaking that they shall produce the Agency Area Certificates, within two months. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th March, 2019
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