

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6488 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3<sup>rd</sup> respondent in issuing order in Proceedings Rc.No.A1/245/2019, dated 11.02.2019 placing the petitioner under suspension as Mandal Parishad Development Officer, Mandal Praja Parishad, Kamepally and now working at Mandal Praja Parishad, Tekulapally, Bhadradi Kothagudem District, without giving any opportunity as bad, arbitrary, illegal unconstitutional and without jurisdiction and consequently direct the respondents to continue the petitioner as Mandal Parishad Development Officer of Mandal Praja Parishad, Tekulapally, Bhadradi Kothagudem District in the interest of justice and pass other and further order or orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri C.Damodar Reddy, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for respondents 1 to 5.

It is the case of the petitioner that initially, she was appointed as Village Development Officer on 4.3.1994. Thereafter, she was promoted as Mandal Parishad Development Officer (MPDO). Subsequently, she was transferred and posted as MPDO, Tekulapally on 01.11.2018. While so, the 3<sup>rd</sup> respondent-District Collector *vide*

proceedings dated 11.02.2019 has placed the petitioner under suspension. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that earlier the petitioner worked at Kamepally Mandal, which falls under Khammam District, and now, she is working at Bhadradri Kothagudem District; that the 3<sup>rd</sup> respondent-District Collector, Bhadradri Kothagudem, is not the competent authority to place the petitioner under suspension; that the allegations pertain to the tenure when the petitioner worked at Khammam; and that the District Collector, Khammam alone is the competent authority to place the petitioner under suspension.

Learned Government Pleader appearing for the respondents contends that since the petitioner is presently working at Bhadradri Kothagudem District, the District Collector, Bhadradri Kothagudem District has rightly placed her under suspension; that an alternative right of appeal is available to the petitioner and without exhausting the said remedy, the petitioner has straight away filed this writ petition.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed

of directing the petitioner to prefer an appeal before the appellate authority within one week from the date of receipt of a copy of this order. On receipt of such an appeal, the appellate authority shall consider the same and pass appropriate orders within a period of four weeks thereafter.

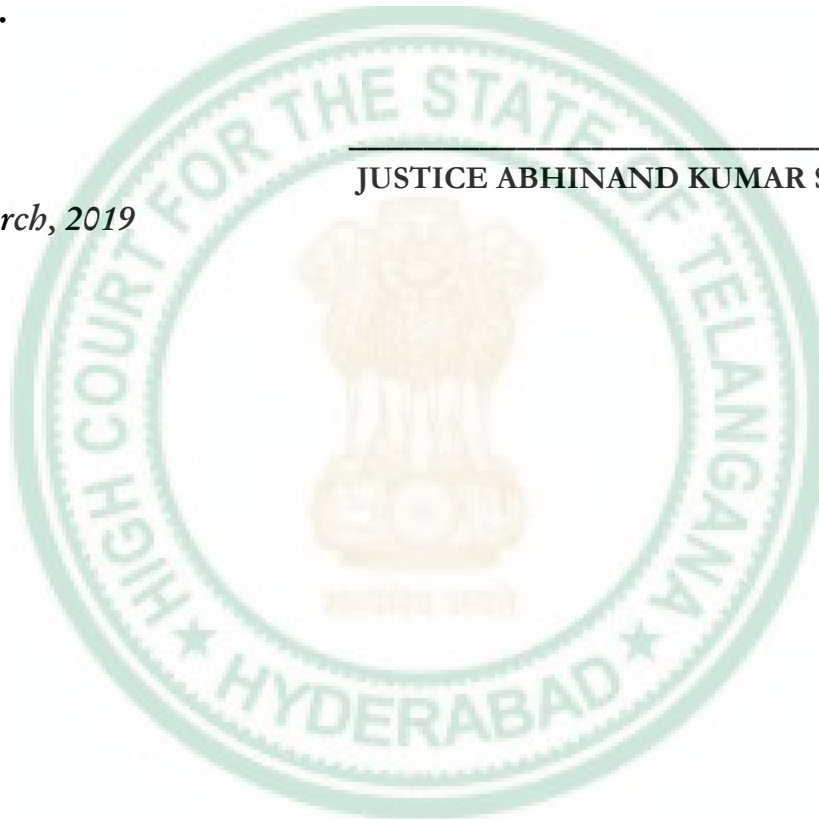
No costs.

Miscellaneous petitions, if any, pending shall stand closed.

28<sup>th</sup> March, 2019  
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JUSTICE ABHINAND KUMAR SHAVILI



**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 2<sup>nd</sup> 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 4<sup>th</sup> 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 2<sup>nd</sup> respondent submits that at the time of uploading online application form, the 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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.

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JUSTICE ABHINAND KUMAR SHAVILI

26<sup>th</sup> March, 2019  
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