

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.11333 OF 2019

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in conducting written examination for the post of Stipendiary Cadet Trainee (SCT) Police Constable (Drivers) (Men) in Police Transport Organization vide notification dated 31.05.2018 only in English language and ignoring Telugu language, as unjust, illegal, arbitrary, discriminatory and violative of fundamental rights of the petitioners guaranteed under Articles 14, 16, 19 and 21 of the Constitution of India and sought a consequential direction to the 2nd respondent to cancel the written examination conducted on 19.05.2019 and re-conduct the written examination by setting the question paper in both English and Telugu languages so that every one will have a fair and equal chance of succeeding.

Heard Sri Chilla Ramesh, counsel for the petitioners, and Sri M.V. Rama Rao, Standing Counsel for respondent No.2.

It has been contended by the petitioners that the respondents have issued recruitment notification on 31.05.2018 for filling up Stipendiary Cadet Trainee (SCT) Police Constable (Men), and as they are fully eligible and qualified to be appointed as Police Constables, they have responded to the said notification. After being successful in Physical Measurement Test, Physical Efficiency Test and Driving Test, the next phase of selection is written examination. The petitioners further contended that as per the notification, the written examination was to be conducted in English language only, therefore, they submitted a representation to the respondents on 10.07.2018 requesting the respondents to conduct written

examination even in Telugu language also. The petitioners also contended that when they have submitted representation requesting to conduct written examination even in Telugu language, the respondents have assured them that written examination would be conducted in Telugu language also. But, contrary to the assurance given by the 2nd respondent, the respondents have conducted the written examination on 19.05.2019 in English only. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioners had submitted that in neighbouring Andhra Pradesh State, for the very same posts, written examination was conducted in both English and Telugu languages, therefore, the action of the respondents in conducting the written examination in English on 19.05.2019 is arbitrary and discriminatory and thus only on that ground, the written examination is liable to be set aside and the respondents be directed to re-conduct the written examination in both English as well as Telugu languages.

Learned Standing Counsel appearing for the 2nd respondent had contended that in the notification, at page No.32 of the material papers, it is made very clear that the Technical Paper referred to therein would be set in English language. Learned Standing Counsel further contended that knowing fully well that the written examination would be conducted in English language only, the petitioners have participated in the selection process and that after the written examination is over on 19.05.2019, the petitioners cannot turn around and contend that the written examination conducted on 19.05.2019 should be cancelled and it should be re-conducted in both English as well as Telugu languages; therefore, there is no merit in the writ petition and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions made by the parties, is of the considered view that if the petitioners feel aggrieved by the notification issued by the respondents on 31.05.2018, wherein it is made very clear that the Technical Paper would be set in English language, they ought to have challenged the notification before responding to it. However, having participated in the selection process and after written examination is over, the petitioners cannot turn around and contend that the respondents must re-conduct the written examination in both Telugu as well as English languages by canceling the written examination conducted on 19.05.2019. Thus, there is no merit in the writ petition and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 11th June, 2019
v v