

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.14505 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“..... to issue a Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 2nd Respondent in publishing selection notification second time on 28.2.2019 by deleting H.T.No.231396 of the petitioner which was shown at S.No. 267 in the selection notification published on 26.2.2019 without giving any prior notice to him and giving an opportunity of hearing is illegal, unjust, arbitrary, violation of principles of natural justice and has the effect of violation of fundamental rights guaranteed to the petitioner u/a 14 and 21 of the Constitution of India and consequently direct the Respondent No.2 to give appointment to the petitioner for the post of Post Graduate Teacher (Telugu) consequent upon his selection vide H.T.No.231396 of the petitioner which was shown at S.No.267 in the selection notification published on 26.2.2019....”.

Heard Mr.K.Venkatesh Gupta, the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

It has been contended by the petitioner that he is fully eligible and qualified to be appointed to the post of Post Graduate Teacher and the respondents have issued Notification for filling up the posts of Post Grade Teachers. The petitioner submits that he has responded to the said Notification and he has fared decently well in the selection process and his name was published in the merit list on 26.02.2019 at S.No.267. Thereafter, the respondents have issued

another merit list on 28.02.2019, wherein the name of the petitioner was deleted. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that when once the name of the petitioner was included in the first merit list, the respondents ought not to have removed his name from the merit list without giving any opportunity to him. Therefore, the learned counsel submits that appropriate orders be passed in the writ petition directing the respondents to appoint the petitioner as a Post Graduate Teacher with all consequential benefits.

Learned Standing Counsel appearing for the respondents has contended that the name of one Sri Devayya, who has secured more marks than the petitioner, was not considered in the first merit list as he has not produced Non-Creamy Layer Certificate and subsequently on production of the said Certificate, the name of Devayya was included in the second merit list, which resulted in the deletion of name of the petitioner from the second merit list. Moreover, the petitioner has not impleaded the said Devayya as a party respondent in the present writ petition. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that the respondents have rightly deleted the name of the petitioner from the second merit list published on 28.02.2019 as Devayya has secured more marks than the petitioner and mere inclusion of the name of the petitioner in the first merit list will not confer any right on him to get appointed as a Post Graduate

Teacher. Hence, there are no merits in the writ petition and the same 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 SHAVIL, J

Date: 23-10-2019
Prv



