

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

W.P.No.14443 of 2019

ORDER:

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 Proc.Lr.No. SATS/ A7SS/ H3/ 3220/ 2018 Dt.08.05.2019 issued by the 3rd respondent in rejecting the claim of the petitioner for appointment to the post of Junior Panchayat Secretary under sports quota is illegal, arbitrary, unconstitutional being violative of Articles 14, 16 and 21 of Constitution of India apart from violative of principles of natural justice and capricious and set aside the same in so far as the petitioner is concerned and consequently direct the respondents to hold that the petitioner is entitled for appointment to the post of Junior Panchayat Secretary as per G.O.Ms.No.74, Youth Advancement, Tourism and Culture (Sports) Department Dt 01.05.2019 under sports quota and appoint him as such with all consequential benefits as otherwise the petitioner will be put to heavy and irreparable loss.....”.

Heard Mr.K.Arvind Kumar, learned counsel for the petitioner and the learned Special Government Pleader attached to the office of Advocate General.

It has been contended by the petitioner that he is fully eligible and qualified to be appointed to the post of Junior Panchayat Secretary and the respondents have issued Notification on 31.08.2018. Since the petitioner was eligible, he has responded to the said Notification and he had participated in the selection process. The petitioner submits that he is a meritorious person and has participated in the Inter Collegiate Zonal Tournament in respect of Kabadi and Volleyball and the Osmania University, which had conducted Inter Collegiate Zonal Tournament, had issued Certificate to the petitioner. The petitioner submits that the State Government as a policy has earmarked certain posts of Panchayat Secretary for meritorious sports persons and the Notification made it very

clear that G.O.Ms.No.74 dated 09.08.2012 would be made applicable for the selections in respect of sports persons. The State Government has formed a policy in order to provide reservations in respect of sports persons in the above said G.O.

Learned counsel for the petitioner submits that since the petitioner has participated in the Inter Collegiate Zonal Tournament in respect of Kabadi and Volleyball, the petitioner should be given weightage under the sports quota and his case has to be considered. But, the respondents have rejected the case of the petitioner vide order dated 08.05.2019 on the ground that Inter Collegiate Zonal Tournament certificate given by the Osmania University is not one of the priorities given in the annexure-II to the said G.O.Ms.No.74 dated 09.08.2012. Hence, the case of the petitioner was rejected. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the petitioner has participated in both competitions and his case has to be considered in S.No.51 of Annexure-II of the priorities given under G.O.Ms.No.74 dated 09.08.2012, which deals with participation in Zonal Inter University Championship and the next alternative pleading of the petitioner is that at least his case has to be considered in S.Nos.81, 82 and 83 of Annexure-II, which specifically deals with Inter Collegiate Competition. Therefore, the learned counsel appearing for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for appointment to the post of Junior Panchayat Secretary under sports quota while declaring that the petitioner either fall under S.No.51 of the priorities annexed to the G.O. or at least in the priorities given in S.Nos.81, 82 and 83 annexed to the G.O.

This Court, having considered the submission of the learned counsel for petitioner, is of the considered view that priority No.51 annexed to the

above said G.O. i.e., G.O.Ms.No.74 dated 09.08.2012 makes it clear that one should participate in the Zonal Inter University Championship whereas the petitioner has participated in the Inter Collegiate Zonal Tournament conducted by the very same University, which would mean that the Colleges affiliated to Osmania University alone had participated in the sports but Inter University would mean that two or three Universities should compete at the Zonal level then such persons can be included at S.No.51. Since the petitioner has not participated in the Inter University Championship, his case was rightly rejected by the respondents and in respect of second limb of the argument of the petitioner that at least the case of the petitioner falls under priority Nos.81, 82 and 83 is concerned, the above said priorities would make it abundantly clear that one must secure 1st, 2nd or 3rd place in the Inter Collegiate Competition. The petitioner has not secured 1st, 2nd or 3rd place in the Inter Collegiate Competition and he has only participated in the Inter Collegiate Zonal Tournament. Mere participation in the Inter Collegiate Zonal Tournament does not give any priority at all. The Certificate of the petitioner does not fall in any of the priorities as set out in G.O.Ms.No.74 dated 09.08.2012. The respondents have rightly rejected the case of the petitioner. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 15.07.2019
Prv

