

**HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.3834 of 2013**

**ORDER:**

This writ petition is filed seeking the following relief :

“..... to issue an order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not giving posting orders by appointing the petitioner as contract driver is bad, arbitrary, illegal, unjust and unreasonable by setting aside proceedings No.L1/785(30)/2011-RM/MR, dt.23.07.2012 of the 2<sup>nd</sup> respondent herein and consequently direct the respondents to give posting orders by appointing the petitioner as contract driver in APSRTC, Medak Region on par with his batchmates in the selections...”

2. Heard Sri P.Venkateshwar Rao, learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing counsel, for the respondents-Corporation.

3. It has been contended by the petitioner that he is fully eligible and qualified to be appointed as driver. Petitioner has responded to the notification issued for filling up the post of contract driver in the year 2008. Petitioner participated in the selection process and after undergoing regular selection process, he was selected and provisionally appointed as contract driver during the year 2008. But to the misfortune of the petitioner, he has suffered accident. Consequently, he could not report to duty and when petitioner has recovered from the injuries, he has submitted a representation to the respondents to consider his case for appointment as contract driver. But the respondents have rejected the case of petitioner vide proceedings dated 23.07.2012 contending that the validity of panel of contract drivers has expired in 2010 and the case of the petitioner cannot be considered. Challenging the same, the present writ petition is filed.

4. Learned counsel for the petitioner submits that since petitioner has already participated in the regular selection process and he was provisionally selected for appointment to the post of Driver, let respondents consider the case of petitioner in any of the existing vacancy. Learned counsel for the petitioner further submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for appointment as contract driver in any of the existing vacancy.

5. Learned Standing counsel appearing for the respondents had contended that the case of the petitioner was rightly rejected vide orders dated 23.07.2012 because petitioner has not reported to duty in the year 2008 and after lapse of five years, he has reported to duty when the panel of the list of selected candidates had already lapsed. But however, the case of the petitioner would be considered if only he submits fresh representation and respondents would consider the same, in accordance with the Rules and would pass appropriate orders.

6. This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that the writ petition can be disposed of directing the petitioner to make a fresh representation staking his claim for appointment as contract driver in any of the existing vacancy, within two weeks from the date of receipt of copy of this order and upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law, subject to his medical fitness, within six weeks thereafter.

7. With the above directions, the Writ Petition is disposed of.  
No order as to costs. Pending miscellaneous petitions, if any, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

17<sup>th</sup> September, 2019  
Rds



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**Dated : 17.09.2019**

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