

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.15403 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 action of the 2nd respondent in publishing the impugned selection notification dated 12.02.2019 of the provisionally selected candidates to the post of Forest Beat Officer under the notification No. 48/2017, dated 15.08.2017 issued by the 2nd respondent without enquiring into relinquishment from the selected candidates as per mandatory Rules 6-A of the Telangana State Public Service Commission, Rules of Procedure, thereby affecting petitioner right to be considered for as arbitrary, illegal, without jurisdiction, violative of Articles 14, 16, 21 of the Constitution of India and consequently direct the 2nd respondent to follow Rule 6-A of TSPSC Rules of Procedure and select and appoint the petitioner as per their merit by removing all the candidates who have relinquished their candidature to their post of Forest Beat Officer under notification No. 48/2017 dated, 15.08.2017 issued by the 2nd respondent with all consequential benefits and to pass such and further orders in the interest of justice.”

**Heard Sri S.Surender Reddy, learned counsel
appearing for the petitioner, learned Special Government
Pleader appearing for the respondents 1 and 3 and Sri D.Bala**

Kishan Rao, learned Standing Counsel appearing for respondent No.2.

It is the case of the petitioner that he is fully eligible and qualified to be appointed as Forest Beat Officer. Pursuant to the notification dated 15.08.2017 issued by the 2nd respondent, he applied and participated in the selection process. He fared well and secured enough merit to come within the zone of consideration. However, his name does not find place in the select list.

The grievance of the petitioner is that if the respondents follow Rule 6-A of the Telangana State Public Service Commission (for short "TSPSC"), he would have a chance of being appointed in the post of Forest Beat Officer.

Learned counsel appearing for the petitioner submits that this Court in W.P.No.4495 of 2019 directed the respondents therein to follow Rule 6-A of TSPSC Rules of Procedure; that aggrieved by the said order, the State carried the matter in appeal by filing W.A.No.551 of 2019; that the Division Bench while disposing of the said appeal on 3.7.2019 held as under:

“While trying to balance the conflicting interests of the appellant and respondent Nos.1 to 6, this Court is of the opinion that it would be

in the interest of justice to permit the Commission, the appellant, to implement the selection list while reserving six posts for the benefit of the respondent Nos.1 to 6. If after implementing the selection list, it is discovered that certain candidates have not joined the service, the appointing authority shall consider the case of respondent Nos.1 to 6, and if they are found to be eligible, they shall be appointed against the six vacancies kept for them. The other remaining vacancies, if any, can be dealt with in accordance with law.

However, it is clarified by way of abundant caution that in case respondent Nos.1 to 6 were to be appointed, and if the appointment letters have already been issued to others, and if the others have already joined their services, such appointments would not adversely affect the seniority of respondent Nos.1 to 6 even if they join later on. Their seniority would be counted from the date on which their batchmates have joined the services.

With these directions, the order dated 11.6.2019, in W.P.No.4495 of 2019 stands modified.

Accordingly, the appeal stands disposed of.”

Learned counsel appearing for the petitioner further submits that the same benefit can be extended in favour of the petitioner and if he is next meritorious candidate, his case can be considered for the post of Forest Beat Officer.

Learned Special Government Pleader appearing for the respondents submits that the process of finalizing the selections is under progress; that unless and until the entire 1857 posts are filled up and appointment orders are given, it is not clear as to how many candidates have relinquished their posts till this point of time; that if the petitioner is next meritorious candidate, his case can be considered in accordance with the Rules.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of in terms of the order dated 3.7.2019 in W.A.No.551 of 2019 directing the respondents to consider the case of the petitioner, if any of the selected candidates relinquishes and if the petitioner is the next meritorious candidate, in accordance with law. No costs.

Miscellaneous petitions, pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

25th July, 2019
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