

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

W.A.No.630 of 2019

Date: 26.07.2019

Between:

Lingam Karthik

...Appellant

and

The Chairman and Managing Director,
Northern Power Distribution Company Limited,
Vidyut Bhavan, Warangal,
Telangana State, and two others.

...Respondents

Counsel for the appellant: Mr. D.L. Pandu

**Counsel for the respondents: Mr. Zakir Ali Danish,
Standing Counsel for TSNPDCL**

The Court made the following:

Judgment: *(per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

The appellant, Mr. Lingam Karthik, has challenged the legality of the order, dated 10.07.2019, passed by a learned Single Judge of this Court in W.P.No.14042 of 2019, whereby the learned Single Judge has dismissed the writ petition, wherein the appellant-petitioner had requested that the respondents be directed to give a second chance to him for passing the pole climbing test. According to the appellant, he had failed in the said test as he was suffering from typhoid. However, the learned Single Judge has declined to issue such a direction to the respondents. Hence, the present appeal is filed before this Court.

The learned counsel for the appellant has vehemently contended that since the selection process is in progress, and since there was no fault on the part of the appellant, a second chance should be given to the appellant to again compete in the pole climbing test.

On the other hand, the learned Standing Counsel for the respondents submits that there is no provision under law, which would permit an unsuccessful candidate from seeking a second chance to re-take the pole climbing test. Moreover, if a second chance were given to the petitioner, flood gates would be opened as other unsuccessful candidates would seek a similar chance. Therefore, the learned counsel has supported the impugned order.

It is, indeed, trite to state that the selection process has to be conducted strictly in accordance with law. Since there is no provision for allowing a second chance to a candidate, the petitioner is unjustified in claiming that he has a right to re-take an examination which admittedly he has failed to pass. Even if the petitioner were suffering from typhoid, it is an unfortunate incident of his life. However, despite the sympathies of this Court with the petitioner, the learned Single Judge is certainly justified in dismissing the writ petition.

For the reasons stated above, this Court does not find any illegality or perversity in the impugned order. This appeal being devoid of any merit is, hereby, dismissed.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(Dr. SHAMEEM AKTHER, J)

Date: 26.07.2019

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