

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16874 of 2019

ORDER:

The writ petition is filed with the following prayer:

"...the Hon'ble Court may be pleased to issue a Writ Order or Orders more particularly one in the nature Writ of Mandamus declaring that the petitioner is entitled for selection and appointment to the post of Junior Accounts Officer as per Notification No.4/2018 dated 31-5-2018 issued by the 1st respondent by awarding marks to question No.20 of SET-A paper with all consequential benefits by holding the action of the respondents in not considering the objections filed by the petitioner on 11-8-2018 to the question No.20 of SET-A paper in the written examination held on 22-7-2018 and consequently not selecting and appointing the petitioner to the post of Junior Accounts Officer by awarding marks to question No.20 is as illegal arbitrary discriminatory and subversive of Articles 14 16 of the Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. Heard Mr. Ch. Jagannatha Rao, learned counsel for the petitioner and Mr. Zakir Ali Danish, learned standing counsel for the respondents.

3. Petitioner contends that he is fully eligible and qualified to be appointed as Junior Accounts Officer (JAO) and as such, he responded to Notification No.4/2018 issued by the respondents for appointment to the post of JAO and participated in the selection process. The petitioner fared decently well in the written examination and secured good marks that would enable him to come within the zone of selection. The grievance of the petitioner is that though the answer given by the petitioner to Question No.20 of SET-A paper is the correct answer, the respondents have erroneously framed the key stating the said answer is incorrect.

4. In that view of the matter, the counsel for the petitioner submits that Question No.20 of SET-A paper be sent to an expert body so as to assess the correctness of the final key given by the respondents and if the expert body finds that the answer furnished by the petitioner is correct then the petitioner should be awarded one mark and if one mark is awarded to the petitioner, he will be within the zone of consideration for appointment to the post of JAO. Therefore, the counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to refer Question No.20 of SET-A paper to an expert body for assessing the correct Key to Question No.20 and thereafter, based upon the opinion of the expert body, appropriate action be initiated by awarding one mark to the petitioner.

6. Learned standing counsel appearing for the respondents contended that similar issue has come up for consideration in WP.No.28325 of 2018 and this Court vide order dated 22.04.2019 has disposed of the said writ petition directing the respondents therein to refer the questions to an expert body of academicians wherein Question No.20 was also referred to an expert body of Jawaharlal Nehru Technological University (JNTU), which has considered Question No.20 also and submitted a report to the effect that the Key prepared by the respondents is a correct one and no relief was granted to the petitioner therein. In view of the said decision of the expert body, once again referring Question No.20 to another expert body may not be feasible. However, if petitioner is aggrieved by the opinion of the expert body of JNTU, the petitioner can always challenge the same, but his case cannot be considered and Question No.20 cannot be referred to an expert body once again. Therefore, there are no merits in the writ petition and it is liable to be dismissed.

7. This Court, having considered the rival submissions made by both parties, is of the considered view that since Question No.20 was already referred to an expert body of academicians in pursuance of the order dated 22.04.2019 in WP.No.28325 of 2018, wherein it was held that the key to the said question prepared by the respondents is correct, and the said finding being against the interest of the petitioner, once again referring the very same question to another expert body may not be feasible and permissible. However, if the petitioner is aggrieved by the decision of the expert body in respect of Question No.20, he is at liberty to challenge the same in appropriate proceedings.

Hence, the writ petition is dismissed. Pending miscellaneous petitions shall stand dismissed. There shall be no order as to costs.

August 20, 2019
DSK

ABHINAND KUMAR SHAVILI, J