

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20759 of 2019

ORDER:

Heard Smt.B.Rachna Reddy, learned counsel for the petitioner, Sri D.Balakishan Rao, learned Standing counsel for respondent No.1, and the Government Pleader for respondent No.2.

With the consent of learned counsel for the respective parties, this Writ Petition is being disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Mandamus declaring the action of the respondent No.1 in not considering the representation submitted by the petitioner for the post of Sanitary Inspector in Municipal Administration and Urban Development Department as per Clause (1) of Part-VIII:Procedure of Selection of the notification vide No.19/2018, dt.27.07.2018 giving the respondent Commission the discretion to relax the minimum qualifying marks in certain cases especially for SC/ST/BC/PH candidates, especially when there are no other eligible candidates for the vacancy as arbitrary and against the principles of natural justice and consequently direct the respondent authority to consider the representation of the petitioner and exercise its discretion positively to relax the minimum qualifying marks enabling the Petitioner belonging to BC-E women and PH (Hearing Impairment-HH) to qualify and be appointed to the post of Sanitary Inspector in Municipal Administration and Urban Development Department and to pass such other order or orders.....”

It has been contended by the petitioner that Telangana State Public Service Commission, issued notification vide No.19/2018, dt.27.07.2018 for the post of Sanitary Inspector in

Municipal Administration and Urban Development Department and pursuant to the said notification, she has applied for the post of Sanitary Inspector under BC-E and PH category (hearing impairment) and accordingly appeared for the examination and secured 84.172 marks, where the cut-off mark is 90. The petitioner further contends as per Clause (1) of Para-VIII of the said notification, the respondent Commission can exercise its discretion to relax the minimum qualifying marks in certain cases especially for SC/ST/BC/PH candidates, when there are no other eligible candidates for the vacancy. The petitioner further contends that as there are no other eligible candidates under the PH (hearing impaired) and SC category, she made a representation on 04.06.2019 requesting the respondents to relax the minimum qualifying marks, enabling her to be eligible to the post of Sanitary Inspector. But so far, the respondents have not passed any orders on the said representation.

Learned counsel for the petitioner contends that appropriate orders be passed in this writ petition directing the respondents to consider the representation submitted by the petitioner on 04.06.2019 and pass appropriate orders in accordance with law.

Learned Standing counsel appearing for the respondents contends that since the representation submitted the petitioner on 04.06.2019 is pending with the respondents, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 04.06.2019 and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 28-11-2019
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