

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26219 of 2013

ORDER:

This writ petition is filed seeking a Writ of Certiorari calling for the records related to and connected with the impugned proceedings dated 22.05.2013 issued by the Director-General, National Institute of Plant Health Management, Rajendranagar, Hyderabad – the 2nd respondent herein, by which, the offer of appointment dated 17.07.2012 issued to the petitioner for the post of Hindi Typist in the National Institute of Plant Health Management has been cancelled, and declare the said proceedings as illegal, arbitrary and violative of settled legal principles.

2. Heard Sri P.V.Ramana, counsel for petitioner and Smt.K.Mani Deepika, appearing for respondents 2 to 4.

3. It has been contended by the petitioner that he is fully eligible and qualified to be appointed to the post of Hindi Typist and the respondents have issued notification for filling up the post of Hindi Typist during March, 2012. The last date for submission of filled-in applications was 25.04.2012. Petitioner has contended that as per the Notification, the essential qualifications for the post of Hindi Typist were; (1) A degree from a recognized University with Hindi as a subject; (2) A speed of 25 W.P.M. in Hindi Typewriting and (3) Working knowledge of computers in Hindi. The desirable qualifications are Typing skills in English and experience in Government office or in an autonomous body.

4. Since the petitioner was qualified for being considered for the post of Hindi Typist, he has responded to the said notification and after undergoing regular selection process, the petitioner was selected and given offer of appointment on 17.07.2012. The petitioner has reported to duty pursuant to the offer of appointment on 26.07.2012 and has been discharging his duties to the best satisfaction of his superiors and every one concerned. At the time of giving offer of appointment, certain conditions were stipulated in the offer of appointment to the effect that the appointment will be subject to certain conditions, namely, (1) Production of certificate of fitness at his own cost from a Civil Surgeon/District Medical Officer; (2) Relieving Certificate from the previous employer; (3) Production of original certificates of – (i) Certificate of educational and experience certificate; (ii) Certificate in support of Date of birth i.e. SSC Certificate; (iii) Character certificate from a Gazetted Officer of Central/State Government/Stipendiary Magistrate/Head of the Institution last studied or worked; (4) Submission of Immovable property statement; (5) Family particulars and (6) Native Place particulars.

5. The petitioner has further contended that he has submitted all the certificates and only after submitting all the certificates, he was allowed to join duty. It is contended that while the petitioner was discharging his duties as Hindi Typist, respondents have entertained doubt about the correctness of the certificates possessed by the petitioner and he was asked to produce the original B.Com Degree certificate from Kakatiya University and also the Computer certificates to the effect that he is

having computer workable knowledge. The petitioner contended that he passed B.Com degree from Kakatiya University in the year 2010 and was having only provisional certificate issued by the said University and that he has not obtained the original degree certificate from the University. He requested the respondents to extend time for submitting the original certificate of B.Com degree and the respondents were pleased to grant extension of time on 08.08.2012. Since the petitioner could not secure the original degree certificate of B.Com from Kakatiya University, he was making repeated requests for extension of time for production of said certificate. Finally, petitioner submitted the original B.Com degree certificate from Kakatiya University on 21.01.2013, and thereafter, the respondents have further extended time to produce the Computer knowledge certificates. Counsel for petitioner contended that the petitioner is having working knowledge of computers, but he is not having any qualification in the field of computer science. The requirement of computer knowledge is only a desirable qualification, but not essential qualification. Admittedly, the petitioner is possessing all the requisite qualifications and basing on the qualifications and experience of the petitioner, he was selected and appointed as Hindi Typist, but the respondents have cancelled the offer of appointment on various grounds, vide proceedings dated 22.05.2013. The basic contention of respondents for cancelling the offer of appointment is that the petitioner is not willing to take responsibilities in web programming with multimedia and web designing and breached the submission made by him before the interview Committee and the certificates produced by

the petitioner to the effect that he is having computer knowledge from NIIT, Mahaboobabad, were doubted on the ground that NIIT, Mahaboobabad has not endorsed its seal on the certificates. Then, the petitioner had to approach the head office of NIIT at Basheerbagh and got the certificates sealed. The endorsement of the head office by affixing the seal, was also doubted by the respondents and various other grounds were alleged in the cancellation orders that the petitioner had indulged in grave misconduct and that he was not willing to abide by the terms and conditions stipulated in the offer of appointment. Counsel for petitioner further contended that as the petitioner possessed the requisite qualifications as set out in the notification and based upon his performance in the selection process, he was selected and given offer of appointment and that he has submitted all the requisite certificates and only after being satisfied about the original certificates, the respondents have allowed the petitioner to join duty on 26.07.2012. He further contended that cancellation of offer of appointment is stigmatic and before passing the said cancellation orders, the respondents have not conducted any inquiry and no opportunity was given to the petitioner. Therefore, the impugned order cancelling the appointment of petitioner is liable to be set aside.

6. The Standing Counsel appearing for respondents 2 to 4 has contended that admittedly, the petitioner could not produce the certificates to the effect that he is having workable knowledge in computers. It is contended that in para 14 (c) of the writ affidavit filed by the petitioner, he has clearly admitted that he is not having computer

knowledge and computer skills, which establishes that he had misled the selection Committee and got appointed deceitfully. It is further contended that based on petitioner's false claim that he is having working knowledge of computers and computer skills, the selection Committee has recommended his case for appointment by overlooking the other qualified candidates, and ultimately, the petitioner was not in a position to demonstrate before the respondents that he is having computer knowledge and skills, and inspite of giving several opportunities, he could not produce the certificates to show that he is having computer knowledge and computer skills. Therefore, the petitioner's appointment orders were rightly cancelled and that there are no merits in the writ petition and the same is liable to be dismissed.

7. This Court, having considered the rival submissions made by the parties, is of the considered view that the petitioner is possessing the essential qualifications as set out in the notification, namely, a degree from recognized University with Hindi as a subject, a speed of 25 W.P.M. in Hindi Typewriting and working knowledge of computers in Hindi. For one to have working knowledge of computers, he need not possess any certificate and it would be sufficient if he is in a position to work on computers in Hindi. As the petitioner is having all the qualifications as set out in the notification, the respondents have erred in cancelling the appointment orders. The contention of respondents that the petitioner could not produce certificates to show that he is having working knowledge in computers in Hindi, is not tenable, as the same is not the requirement as per the notification. Therefore, on this ground

also, the impugned order cancelling the appointment of petitioner, is liable to be set aside.

8. Accordingly, the writ petition is allowed and the impugned order dated 22.05.2013, passed by the 2nd respondent, is set aside. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

27th November 2019

ajr

