

High Court for the State of Telangana

**THE HONOURABLE THE CHIEF JUSTICE  
SRI RAGHVENDRA SINGH CHAUHAN  
AND  
THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY**

**W.A.No.931 of 2019**

Date: 19.12.2019

Between:

Syed Siraj Ahmed

... Appellant

A N D

The Southern Power Distribution Company  
Limited of Telangana Limited,  
Rep. by its Chairman & Managing Director,  
6-1-60, Corporate Office, Mint Compound,  
Hyderabad – 500 063 and another

... Respondents

Counsel for the appellant : Mr.P.V.Krishnaiah

Counsel for the respondent No.1 : Mr.G.Vidyasagar,  
SC for TRANSCO

**The Court made the following:**

**JUDGMENT:** *(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

The appellant is aggrieved by the order dated 16.12.2019, passed by a learned Single Judge, in I.A.No.1 of 2019 in W.P.No.27834 of 2019, whereby the learned Single Judge has declined to grant any interim relief to the appellant in provisionally permitting him to take the examination scheduled to be held on 22.12.2019, for the post of Junior Assistant-cum-Computer Operator.

2. Briefly the facts of the case are that on 28.09.2019, the Southern Power Distribution Company of Telangana Limited had issued a notification for direct recruitment for the post of Junior Assistant-cum-Computer Operator. According to the said notification, the educational qualification was that *"the candidate must be a degree holder of B.A., or B.Sc., or B.Com., of any University in India, established or incorporated by or under a Central Act, Provincial Act, or a State Act, or any equivalent qualification, and approved by the Government of Telangana."* Since the appellant was hopeful that he would be selected for the said post, he applied for the same. However, subsequently, he was informed that his candidacy has been rejected, *inter alia*, on the ground that he has invalid qualification. Hence, no hall ticket was issued to him. Therefore, the appellant filed the writ petition mentioned herein above before the learned Single Judge. However, by order dated 16.12.2019, the learned Single Judge had refused to grant an interim order in his favour. Hence, the present appeal before this Court.

3. The learned counsel for the appellant submits that the appellant has a right of equal opportunity for seeking an employment. Therefore, the respondent No.1 is not justified in denying the appellant the fundamental right under Article 16 of the Constitution of India.

4. Secondly, even on an earlier occasion in W.P.No.24145 of 2019, by order dated 05.11.2019, the learned Single Judge had granted permission to the petitioners therein to participate in the selection process. Therefore, the learned Single Judge is not justified in denying the appellant the right to participate in the selection process.

5. Thirdly, in case the appellant is denied the right to appear in the examination, the writ petition filed by him would become an academic exercise. Therefore, the balance of convenience is in favour of the appellant.

6. Lastly, in case he is denied the right to take the examination, an irreparable injury would be caused to him as he cannot be selected for the said post. Hence, the learned Single Judge should have granted the interim relief in his favour.

7. On the other hand, the learned Standing Counsel for the respondent No.1 submits that according to the educational qualifications mentioned in the notification, only those who had a degree of B.A., or B.Sc., or B.Com., or any equivalent qualification, and approved by the Government of Telangana, would be eligible to apply for the said post. However, the appellant has only B.Tech., degree in his favour. Moreover, the B.Tech degree has not been

declared as an equivalent qualification by the Government of Telangana. Hence, the appellant does not possess the requisite educational qualifications. It is precisely for the reason that he does not have requisite educational qualifications, his candidacy has been rejected by the respondent No.1, and no examination hall ticket has been issued in his favour. Therefore, the appellant does not have a strong *prima facie* case in his case.

8. Secondly, the appellant's case was rejected on 03.12.2019, yet writ petition was not filed till 09.12.2019. Since the OMR sheets need to be prepared, the learned Single Judge was justified in concluding that "no relief could be given to the appellant at this stage, as he had approached the Court too late in the day." Therefore, even if on an earlier occasion by order dated 05.11.2019 in W.P.No.24145 of 2019, interim relief had been granted, considering the changed circumstances, the same could not be granted by the learned Single Judge.

9. Lastly, merely because the appellant has the fundamental right to seek employment, the said fundamental right does not mean that he can seek employment when he is ineligible for the said post. Hence, the learned counsel has supported the impugned order.

10. A bare perusal of the notification dated 28.09.2019 clearly reveals that the educational qualifications required for the post of Junior Assistant-cum-Computer Operator is that "*the candidate must be a degree holder of B.A., or B.Sc., or B.Com., or any equivalent qualification, and approved by the Government of Telangana.*" The learned counsel for the appellant has not

produced an iota of evidence to establish that B.Tech., degree has been considered “equivalent qualification by the Government of Telangana” for the said post. Since the appellant has merely B.Tech degree in his favour, but as the said degree has not been declared as equivalent qualification by the Government of Telangana, the appellant clearly does not have a strong *prima facie* case in his favour.

11. Moreover, even if a person has a right of equal opportunity for an employment, Article 16 of the Constitution of India cannot be interpreted to mean that a person, who is ineligible for employment, should be given a chance to compete for the said employment. Therefore, the first contention raised by the learned counsel for the appellant is clearly unacceptable.

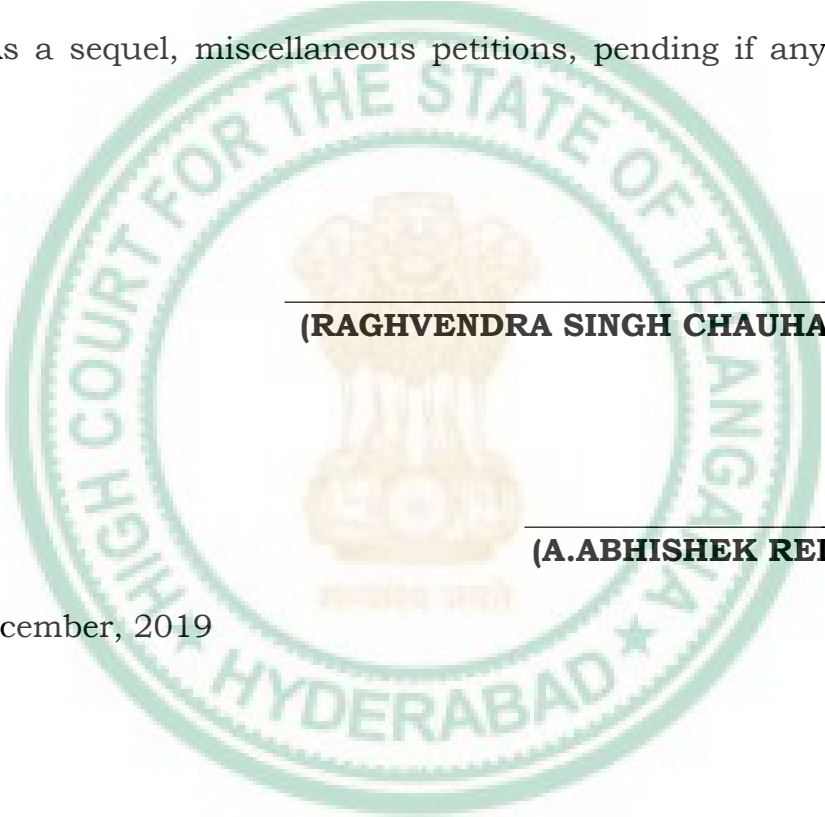
12. According to the appellant himself, he was informed about the rejection of his candidacy on 03.12.2019, whereas he has filed the writ petition on 13.12.2019. Considering the fact that organizing an examination is an onerous duty imposed upon the respondent No.1, considering the fact that holding the examination has its own logistical problems, a candidate who rushes to the Court, at the last moment, cannot expect the Court to direct the examination agency to permit him to take the exam provisionally. Therefore, the learned Single Judge is justified in concluding that the interim relief cannot be given to the appellant “at this stage”.

13. Considering the difficulties that would be faced by the respondent No.1 in organizing the examination for the appellant, at the last moment, obviously, the balance of convenience lies in favour of the respondent No.1, and not in favour of the appellant.

Hence, the appellant has neither a strong *prima facie* case in his favour, nor the balance of convenience in his favour. Since he is not even qualified, he cannot plead that any irrevocable loss would be caused to him in case he is denied the right to appear provisionally in the examination.

14. Hence, for the reasons stated above, this Court does not find any merit in the writ appeal; it is, hereby, dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.



(RAGHVENDRA SINGH CHAUHAN, CJ)

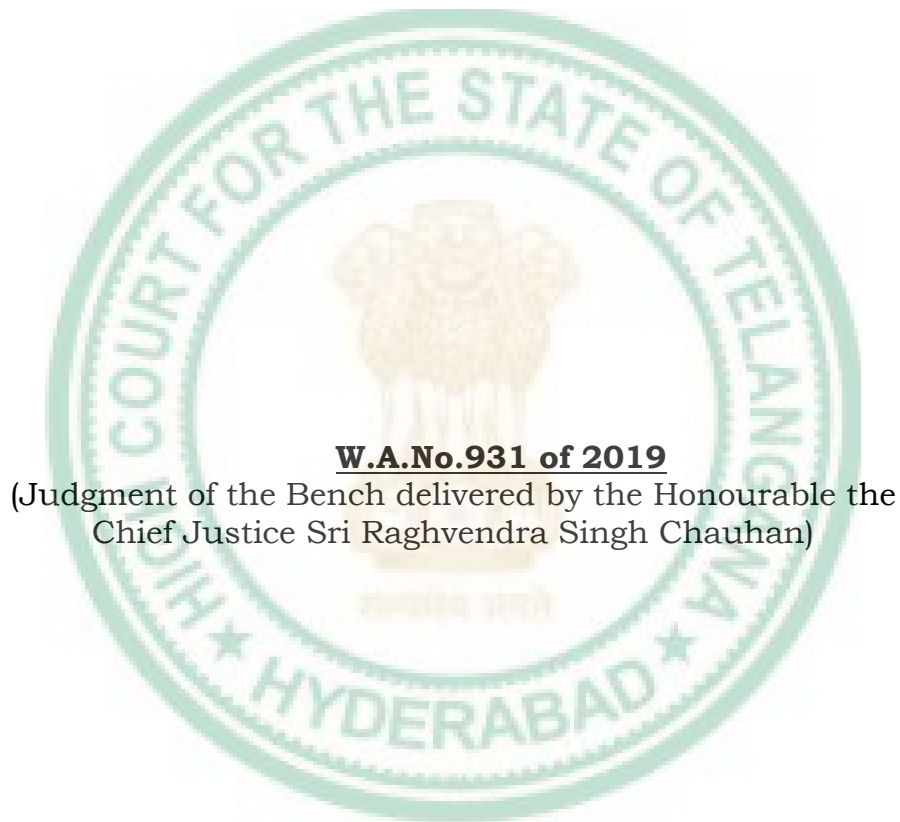
(A.ABHISHEK REDDY, J)

19<sup>th</sup> December, 2019

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**W.A.No.931 of 2019**

(Judgment of the Bench delivered by the Honourable the  
Chief Justice Sri Raghvendra Singh Chauhan)

Date: 19.12.2019

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