

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.28566 of 2019

ORDER

This Writ Petition is filed seeking the following relief:

“to issue a writ, order or direction more in the nature of Mandamus declaring that the petitioners are eligible and qualified for appointment to the post of Sanitary Inspectors in pursuance to the Recruitment Notification issued by the Public Service Commission No.19/2018, dated 27.7.2018 meant for S.T (Women) and S.T (General) in Multizone-II as per their merit on par with their batch mates and not showing their Hall Ticket numbers in the list of provisionally selected candidates as illegal and arbitrary and violates Articles 14, 16 and 21 of the Constitution of India and consequently declare the Qualification Certificates obtained by the petitioners from Bethesda Institute of Health Sciences, Visakhapatnam, are sufficient to hold the post of Sanitary Inspector with all consequential benefits and to pass such other order or orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case.”

Heard Sri P.V.Ramana, learned counsel appearing for the petitioners, and learned Standing Counsel appearing for the 3rd respondent.

It is the case of the petitioners that pursuant to the notification dated 27.07.2018 issued by the 3rd respondent, the petitioners have applied and fared well. After undergoing regular selection process, their names were found place in the merit list and they have come within the zone of consideration for the post of Sanitary Inspectors.

The grievance of the petitioners is that though they have possessed the requisite qualifications, the respondents have not included their names in the provisional selection list on the ground that the qualifications possessed by them are not the requisite qualifications and not treated as equivalent qualifications as set out in the notification.

Learned counsel appearing for the petitioners contended that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioners for appointment to the post of Sanitary Inspectors by duly taking into account the merit secured by them in the provisional selection.

Learned Standing Counsel appearing for the respondents contended that the qualifications possessed by the petitioners is not in accordance with the notification and the 3rd respondent has referred the cases of various individuals, who have participated in the provisional selection to the Committee and the Committee after examining the cases held that the qualifications possessed by the petitioners are not the requisite qualifications and not recognized by the State. Therefore, the names of the petitioners were not placed in the provisional selection list. It is further contended that individual rejection orders would be communicated to the petitioners as to why the qualifications possessed by them are

not treated as equivalent qualifications as set out in the notification.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that so far, the respondents have not passed any individual orders as to whether the qualifications possessed by the petitioners are the requisite qualifications as set out in the notification. Therefore, this Writ Petition can be disposed of directing the respondents to pass individual speaking orders as to why the qualifications possessed by the petitioners are not treated as equivalent qualifications as set out in the notification. However, it is made clear that the petitioners shall approach the 3rd respondent within ten (10) days during working hours and on such appearance, the 3rd respondent shall communicate the orders to the petitioners, in accordance with law. The 3rd respondent shall issue speaking orders to the petitioners before issuing appointment orders to the selected candidates.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

