**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION NOs.28325 AND 43474 OF 2018

**COMMON ORDER:**

These two Writ Petitions are being disposed of by way of a common order, as the issue raised in both the Writ Petitions is one and the same.

The petitioners are challenging the action of the Northern Power Distribution Company of Telangana Limited (TSNPDCL) in not conducting the examination on 22.07.2018 as per the syllabus weightage guidelines given pursuant to notification No.04/2018 dated 31.05.2018 triggering several discrepancies directly affecting the performance of the aspirants in the said examination, as arbitrary, illegal and violative of Articles 14, 15 and 16 of the Constitution of India.

Heard Ms. B. Rachna Reddy and A.V.V.S. Bhujanga Rao, counsel for the petitioners, Sri Vidyasagar Rao, learned Senior Counsel for Ms. K. Udaya Sri, counsel for the second respondent, Sri A. Abhishek Reddy, counsel for the third respondent and Sri J.Sudheer, learned counsel for the impleaded respondents.

For convenience sake, the facts in W.P.No.28325 of 2018 are discussed.

It has been contended by the petitioners that they are fully eligible and qualified for the post of Junior Accounts Officer and the respondents have issued notification No.4/2018 on 31.05.2018 inviting applications for the post of Junior Accounts Officer. In all, the respondents have notified 107 vacancies. The petitioners contended that as per the notification, the selections are to be conducted based on the written examination and the written examination comprises of 100 marks consisting of 100 multiple choice questions and each question carrying one mark with no negative marking. It is further submitted that Section-A consists of 80 questions on core accounts subjects and Section B consists of 20 questions on General Awareness and Numerical Ability. Counsel for the petitioners further contended that annexure-2 of the notification contains, the syllabus weightage and the respondents were to design the question paper in the following manner; 35 marks for Accountancy and advanced accountancy (English), 25 marks for Cost and Management Accounting (English) and 20 marks for Auditing (English). In Section B, 20 marks for General Awareness and Numerical Ability. As per the said annexure, the respondents were to ask 35 marks from out of accountancy and advanced accountancy and 25 marks from cost and management accounting and 20 marks from general awareness and numerical ability. But the respondents have conducted the written examination on 22.07.2018 without strictly following the annexure-2 of the notification and while asking questions, the respondents have not followed the syllabus weightage as reflected in annexure-2 and 51 questions were asked from accountancy and advanced accountancy, only 19 questions were asked from cost and management accounting and only 10 questions were asked from auditing, which is contrary to the syllabus weightage given in annexure-2 of the notification. Petitioners further contend that the examination was conducted in bi-lingual languages i.e. English and Telugu and the petitioners have complained of improper translation of the questions and consequently, the petitioners could not do well in the examination and therefore, contend that the entire examination conducted by the respondents be set aside and the respondents be directed to conduct fresh examination strictly in terms of annexure-2 of the notification. The petitioners further raised various other issues such as respondents have not mentioned as to the colour of the ink to be used while answering the questions in the examination hall.

Learned Senior Counsel appearing on behalf of the Standing Counsel had contended that the respondents have published the preliminary key inviting objections and the petitioners have not filed any objections and without filing objections to the preliminary key, the Writ Petitions are not maintainable and before proceeding further with the selections, while the respondents were about to finalise the selections, the petitioners have filed these Writ Petitions and got stayed the entire selection process. Therefore, the learned Standing Counsel contended that until and unless objections are filed by the petitioners, the petitioners cannot approach this Court and stall the entire selection process. The Standing Counsel further contended that results have not been announced so far and in the absence of the objections, there are no merits in the Writ Petitions and they are liable to be dismissed.

Counsel appearing for the impleaded respondents contended that the petitioners have not made out legal ground to interfere in the case as the accountancy and advanced accountancy, cost and management accounting and auditing are all inter-related subjects and the petitioners cannot contend that the questions published were not in accordance with annexure-2 of the notification and the scheme of examination is clearly spelt out at para-7, which reads as follows:-

> "The written test comprising of 100 marks consisting of 100 multiple choice questions and each question carries 1 mark. The section A consisting of 80 questions on core accounts subject and the section B consisting of 20 questions on General Awareness and Numerical Ability."

When these subjects are inter-related, there might be slightly overriding as all these 3 and 4 subjects are inter-related and not only the petitioners, all those persons who have participated in the examination would have the same effect and no prejudice has been caused to the petitioners alone. Therefore, the counsel appearing for the impleaded respondents had contended that there are no merits and the Writ Petitions are liable to be dismissed.

Counsel appearing for the petitioners contended that since the respondents have invited objections to the preliminary key, let the objections of the petitioners in respect of syllabus weightage be also examined by expert body consisting of academicians and only after taking opinion from the expert body, let the recruitment process be proceeded in accordance with law.

Counsel appearing for the TSNPDCL had also agreed to refer the entire question paper to a body of experts and only after taking an opinion from the body of experts, the respondent, would proceed with the selections.

This Court, having considered the rival submissions of the parties, is of the considered view that these two Writ Petitions can be disposed of directing the TSNPDCL to refer the questions to a body of experts along with the objections received to the preliminary key and the expert body would examine the objections and give its opinion within a reasonable period of time and upon receipt of such recommendations, it is open for the respondents to act accordingly in tune with the report.

With these observations, both the Writ Petitions are disposed of. It is needless to say that the expert body shall also look into the translation of English version to Telugu in respect of those candidates who have appeared in the said examination in Telugu medium. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

**(ABHINAND KUMAR SHAVILI, J)**

22nd April 2019
**Note:** Issue CC in two days
B/O
RRB/VV