

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.29160 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue a Writ, order or direction, more particularly one in the nature of a Writ of Mandamus declaring the action of respondents in not selecting the petitioner for the post of Special Officer, Kasturbha Gandhi Balika Vidyalaya (KGBV) in Mahabubnagar District, as arbitrary, illegal, against the principles of natural justice and in violation of A.P.Public Employment (Organization of Local Cadres and Regulation of Direct Recruitment) Order, 1975 also called the Presidential Order and Notification No.XI (Implementation of Rule of Reservation for local and non-local candidates) issued in Circular Memo No.46614/Ser.A/ 2005-1, GAD (Ser.A) dated 27.05.2005 and consequently direct the respondents to appoint the petitioner for the post of Special Officer, Kasturbha Gandhi Balika Vidyalaya (KGBV) in Mahabubnagar District as per the provisional selection list for the post of KGB Special Officer in the roster points available for open competition”.

Heard Mr.G.Raman Goud, learned counsel for petitioner and Mr.G.Bhasker, learned Standing Counsel for respondents.

It has been contended by the petitioner that she is fully eligible and qualified to be appointed as Special Officer in Kasturbha Gandhi Balika Vidyalaya in Mahabubnagar District. The respondents have issued Notification on 19.06.2018 for the post of Special Officers. As the petitioner is fully eligible and qualified, she has responded to the said Notification and participated in the selection process. She is a member belonging to BC-B community and she is declared to have secured 2nd rank in the entire selection. The petitioner has secured 69.59 marks and she was placed at S.No.2 in the merit list.

The grievance of the petitioner is that though she secured second rank in the merit list, her case was not considered for the

post of Special officer on the ground that she is not a local candidate of Mahabubnagar District. Therefore, she filed the present writ petition.

On 05.09.2018, this Court while admitting the writ petition, passed the following interim order :-

“In view of the judgment of the Division Bench of this Court in M.Praveen Reddy and others Vs Government of A.P., Education Department & others/ MANU/ AP/ 1228/ 2003, by way of interim order the respondents are directed not to fill up one vacancy earmarked for BC-B category to the post of Special Officer, Kasturba Gandhi Balika Vidyalaya (KGBV) in Mahabubnagar District.

Having regard to the principle laid down by the Division Bench of this Court in the above judgment, liberty is granted to learned Standing Counsel, to file additional affidavit.”

By virtue of the aforesaid interlocutory order, one post of Special Officer has not been filled up. Therefore, the counsel for petitioner contends that the case of the petitioner can be considered in the unfilled vacancy of Special Officer. He further contends that the respondents had advertised in all 9 posts of Special Officers and the roster point had started at S.No.8 and ended at S.No.17 and the petitioner is entitled for appointment for the roster points starting from 10 and 17. But, the respondents have not considered her case and the cases of persons, who have secured far less marks than the petitioner, were considered for appointment to the post of Special Officer.

Learned counsel for petitioner further contends that for implementation of rule of reservation for locals and non-locals, the Government issued Circular Memo dated 27.05.2005, wherein it was clarified that for the roster points starting from 1 to 20 both local and non-local candidates are entitled for consideration. When the

roster was operated for first 20 roster points wherein both local and non-local candidates are entitled as per the above said Circular, the case of the petitioner deserves to be considered by the respondents for appointment to the post of Special Officer.

Learned Standing Counsel appearing for respondents has contended that since the petitioner is not a local candidate of Mahabubnagar District, the case of the petitioner was not considered and the roster has started at S.No.8 and the cases of local candidates alone were considered.

Learned Standing Counsel further contended that since the respondents have notified only nine vacancies and posts have been filled up starting with roster point Nos.8 to 17, the question of considering the cases of non-local candidates would not arise. The cases of non-local candidates will be considered only when 100 posts are notified and since 100 posts are not notified, the question of considering the case of petitioner, who is a non-local, for appointment to the post of Special Officer, would not arise and therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court is of the considered view that the petitioner is entitled for consideration of her case for appointment to the post of Special Officer, as the roster was operated by the respondents upto 20 points and the present roster points to be filled up are less than 20, wherein both local and non-locals are entitled for consideration. Since the petitioner has secured second rank in the entire selection process, the case of the petitioner cannot be ignored by the respondents. Therefore, the respondents are directed to consider the case of the petitioner for appointment to the post of Special

Officer in terms of Circular Memo dated 27.05.2005 issued by the State Government in respect of implementation of Rule of reservation for local and non-local candidates. As per the said Circular, the first 20 roster points are to be filled up by both local and non-local candidates. Since the respondents have filled up nine posts from roster point Nos.8 to 17, the case of the petitioner has to be considered for appointment to the post of Special Officer.

In view of the above observations, the writ petition is allowed directing the respondents to consider the case of the petitioner for appointment to the post of Special Officer and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 13-03-2019
Prv



