

HIGH COURT FOR THE STATE OF TELANGANA
THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No.43646 of 2018

Date: 27.11.2019

BETWEEN

Banda Srinivas Goud.

... PETITIONER

AND

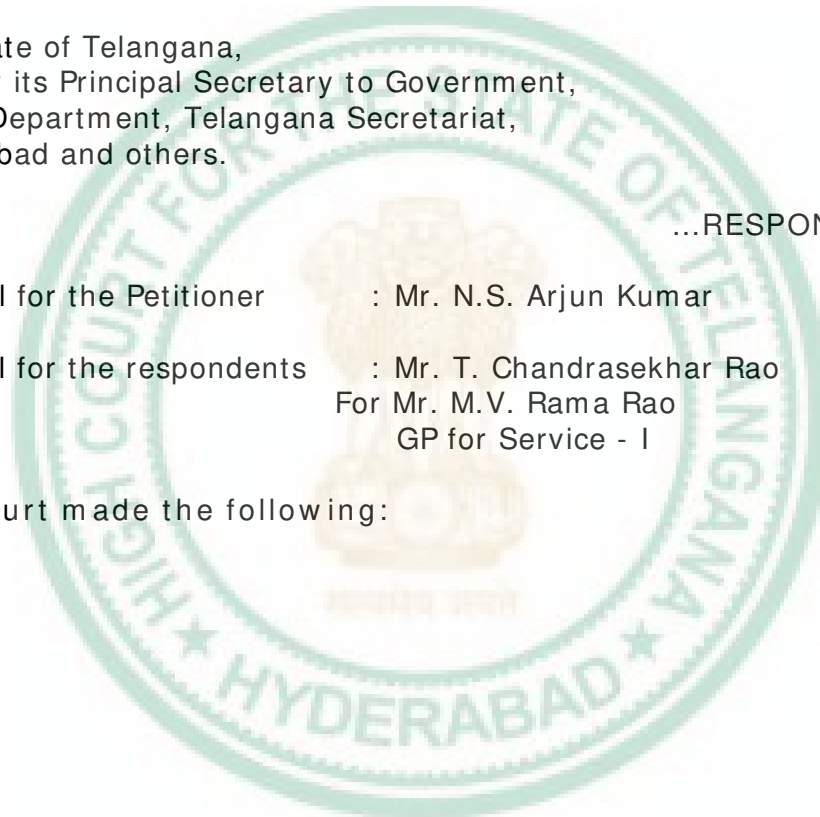
The State of Telangana,
Rep. by its Principal Secretary to Government,
Home Department, Telangana Secretariat,
Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioner : Mr. N.S. Arjun Kumar

Counsel for the respondents : Mr. T. Chandrasekhar Rao
For Mr. M.V. Rama Rao
GP for Service - I

The Court made the following:



ORDER: { Per the Hon'ble the Chief Justice Sri Justice Raghvendra Singh Chauhan}

The petitioner has sought the following relief from this Court:

"... this Hon'ble Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus, to

a). declare the large scale irregularities, discrepancies that have emerged owing to the obvious illegalities and malpractices committed by the Respondent No.2 in the recruitment of Stipendiary Police Constables including the posts of SCT PC (Civil) (Men & Women), SCT PC (AR) (Men and Women), SCT PC (SAR CPL) (Men), SCT PC (TSSP) (Men) in Police Department, Constable (Men) in SPF Dept., Firemen in T.S. Disaster Response and Fire Services Department pursuant to the notifications in Rc.No.151/Rect./Admn.1/2015 dated 31.12.2015 and in Rc.No.21/Rect./Admn.1/2016 dated 19.02.2016, to benefit ineligible candidates, apparently in the guise of horizontal reservations and additional Weightage marks for Driving Licence;

b). declare the rules framed by Respondent No.1 in G 0 Ms No 96 Home Legal department dated 31.12.2015 and issuance of Recruitment Notification Rc.No.151/Rect./Admn.1/2015 dated 31.12.2015 and in Rc.No.21/Rect./Admn.1/2016 dated 19.02.2016 by Respondent No.2 based on the G 0 Ms No 96 as unjust, illegal, discriminative and violation of fundamental rights of the petitioner guaranteed under Article 14, 16, 19 and 21 of the Constitution of India and consequently direct the Respondents to declare New Selection list after rectifying the discriminative provisions of the G 0 Ms No 96 Home Legal department dated 31.12.2015 and Rules of the Recruitment Notifications vide Rc.No.151/Rect./Admn.1/2015 dated 31.12.2015 and in Rc.No.21/Rect./Admn.1/2016 dated 19.02.2016;

c). declare the action of the Respondents in selecting 40 candidates under the Open Challenge System who have paid Rs.5000 for General and BC candidates and Rs.2000 for SC, ST candidates, after declaration of the final provisional list as illegal, arbitrary and unjust; and consequently

d). direct investigation by the Central Bureau of Investigation (CBI) into the said large scale illegalities, irregularities and anomalies vide Rc.No.151/Rect./Admn.1/2015 dated 31.12.2015 and vide Rc.No.21/Rect./Admn.1/2016 dated 19.02.2016;

f). direct Respondent No. 2 to prepare and issue fresh selection list for the notification vide Rc.No.151/Rect./Admn.1/2015 dated 31.12.2015 and vide Rc.No.21/Rect./Admn.1/2016 dated 19.02.2016 considering the illegalities and discrepancies;

g). direct the Respondent No.2 to consider the candidature of petitioner as a SCT Police constable in Telangana state level Police Recruitment Board;

and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. The present writ petition was filed on 29.11.2018.

3. Considering the fact that the petitioner has challenged the selection and appointment of 2015-2016 in the year 2018, this Court has asked a pointed query to the learned counsel for the petitioner with regard to the delay and laches in filing the present writ petition.

4. Learned counsel for the petitioner submits that on earlier occasion the petitioner had filed WP(PIL).No.43 of 2017, which was decided by a learned Coordinate Bench by order dated 11.10.2018, wherein liberty was given to the petitioner to raise same grievance by filing a personal interest litigation, rather than a public interest litigation. In order to buttress this plea, the learned counsel for the petitioner has brought the judgment dated 11.10.2018 to the notice of this Court.

5. However, the stand being taken by the learned counsel is highly misplaced. For, in the order dated 11.10.2018, the learned Coordinate Bench has opined as under:

“12. But we do not agree. More than five lakh candidates participated in the matter of selection. Persons, who are aggrieved by the irregularities, if there were any, in the process of selection, are capable of challenging the selection process by themselves. In fact, there are few individuals, who have independently challenged the selection process, without filing Public Interest Litigations. Therefore, the question, whether there were large scale irregularities or not, can be considered in their individual writ petitions. So long as the structure and the parameters adopted by the respondents in this recruitment, is not challenged, the alleged irregularities in the matter of conduct of selection process, will not fall within the purview of a Public Interest Litigation. Therefore, both these writ petitions are dismissed.”

6. Thus, it is obvious that the learned Coordinate Bench had clearly held that the question whether there were large scale irregularities or not can be considered in the other writ petitions filed by those individuals who were aggrieved by their non-selection. Hence, the learned Coordinate Bench did not grant any liberty to the present petitioner to file a case in his personal capacity.

7. Moreover, in the order dated 11.10.2018, the petitioner did not seek any liberty to file a case in his personal capacity.

8. Furthermore, the present writ petition has been filed on the same set of facts seeking the same relief. Although the learned counsel for the petitioner pleads that fresh facts have been introduced in the present writ petition, but nonetheless as the relief being sought is identical as to the relief in the said Public Interest Litigation filed by the petitioner, and since the petitioner has not sought liberty from the learned Coordinate Bench, the present writ petition is not maintainable.

For the reasons stated above, the writ petition is, hereby, dismissed. As a sequel, miscellaneous petitions, pending if any, shall stand dismissed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

November 27, 2019
DSK

