

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.1496 OF 2020

Date: 27.01.2020

Between:

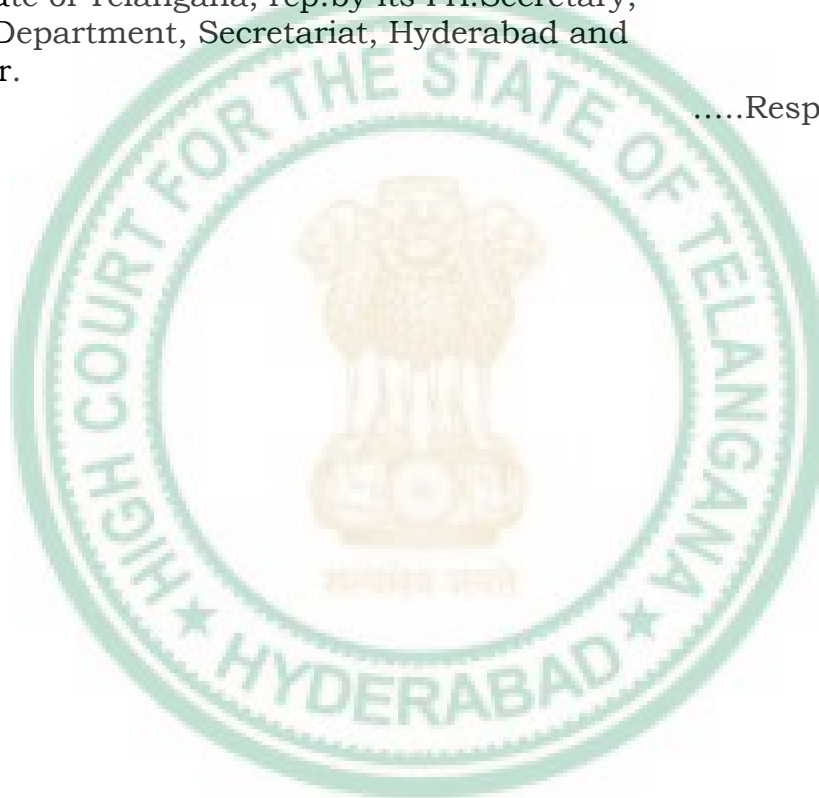
Mohammad Nayyaruddin (Ex-serviceman),
s/o. Mohammad Jaffer, Aged about 35 years,
R/o. H.No.16-7-326, Yakubpura Tribal Welfare
Hostel, Mills Colony, Warangal, Warangal district,
Telangana.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,
Home Department, Secretariat, Hyderabad and
another.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioner claims to be Ex-serviceman. In pursuant to the recruitment notification, dated 31.05.2018, to various categories of Police Constables, petitioner applied. Petitioner belongs to Warangal district. Grievance of the petitioner is that large number of vacancies reserved for Ex-servicemen are not filled up in several districts and even though according to the merit secured by the petitioner, he is entitled to be selected to vacancies in other districts, he was not selected and vacancies meant for Ex-servicemen remained unfilled and the same is illegal. Learned counsel for petitioner submits that in spite of soliciting information under the Right to Information Act, 2005, on availabilities of vacancies in the respective districts meant for Ex-servicemen, so far the information is not furnished, and there is no transparency in the selection process. In support of his contention, he placed reliance on paragraph-7(b) of the notification. Paragraph-7 deals with instructions to candidates for filling the Part-II Online application form and uploading. According to the learned counsel for petitioner, the candidates were required to exercise preferences/unit options and in terms thereof, petitioner has exercised preference to other districts also. In terms of the preferences and merit secured by petitioner, he is entitled to be considered for filling up posts reserved for Ex-servicemen available in other districts, and non-filling of the same is illegal.

2. It is not in dispute that post of Police Constable and equivalent categories of posts notified are organized as district cadre posts. The recruitment notification issued on 31.05.2018 is governed by the Telangana Public Employment (Organization of Local Cadres and

Regulation of Direct Recruitment) Order, 1975 (Presidential Order, 1975), as was in force and in terms thereof, 20% of the vacancies are kept open to be filled up based on overall merit secured in the State and remaining 80% vacancies to be filled up by the local candidates of the concerned district. The options to be exercised are with reference to willingness of the candidates to work in a district, other than the local district of a candidate, if he is selected against 20% vacancies, apportioned for open competition based on statewide merit. 80% vacancies of the district have to be filled up based on the merit secured by the local candidates.

3. As submitted by the learned standing counsel representing Police Recruitment Board, as of now, reservations are not applied in the vacancies earmarked to be filled up based on overall merit secured (20%). Apparently, petitioner has not secured overall merit to be considered against 20% vacancies. It is also not denied that petitioner has secured 66 marks and the last meritorious candidate, who was accommodated in Ex-serviceman category in Warangal District, secured 80 marks. Thus, petitioner was not within the zone of selection against Ex-servicemen vacancies in Warangal district. Merely because there are vacancies available in other districts meant to be filled up by Ex-servicemen cannot be a ground for petitioner to stake claim for appointment to the vacancies in those Districts reserved to be filled up by local candidates of respective Districts, where he is not a local candidate. Thus, I do not see any merit in the writ petition. Writ Petition is accordingly dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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kkm

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