

HIGH COURT FOR THE STATE OF TELANGANA
THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY
WRIT APPEAL NO.97 of 2020
07.02.2020

Between:

The Telangana State Level Police Recruitment Board

... Appellant

and

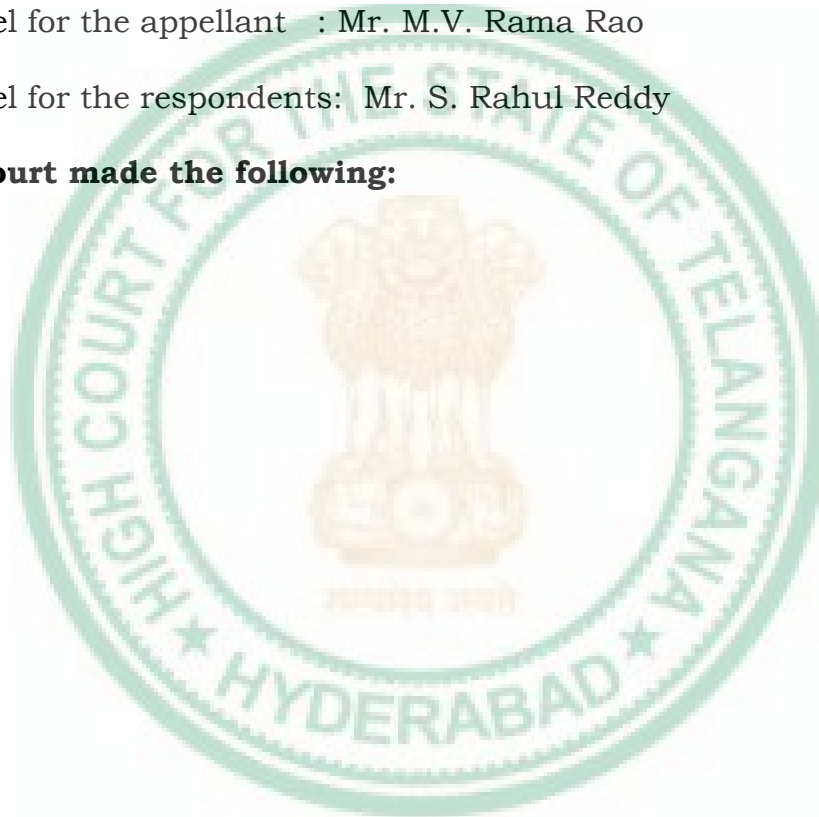
Maloth Akhil and another

...Respondents

Counsel for the appellant : Mr. M.V. Rama Rao

Counsel for the respondents: Mr. S. Rahul Reddy

The Court made the following:



JUDGMENT : (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The Telangana State Level Police Recruitment Board, the appellant, has challenged the legality of the order dated 03.01.2020, passed by a learned Single Judge in W.P.No.13079 of 2019, whereby the learned Single Judge has directed the appellant to consider the case of the petitioner for appointment to the post of Sub-Inspector of Police in accordance with the Rules.

Briefly stated, the facts of the case are that on 31.05.2018, the appellant had issued a notification, inviting applications through online from 09.06.2018 to 13.06.2018, for direct recruitment for several categories of posts. According to the notification, the requisite qualifications were to be acquired before 01.07.2018. Since the petitioner belongs to Scheduled Tribe community, since he appeared for the final examinations of his B.Tech, and his results were declared on 30.05.2018, believing that he was eligible for the post of Sub-Inspector of Police against Post Code Nos.11 to 15, 17 and 18, and also for the post of Assistant Sub-Inspector of Police against the Post Code No.33, under the said recruitment notification, the petitioner applied for the same. The petitioner had qualified the preliminary examination, and he was called for Physical Measurement Test (PMT), and for Physical Efficiency Test (PET). He appeared for both the physical tests, and qualified the same.

Subsequently, the appellant issued a Press Note for verification of the certificates from 14.06.2019 to 22.06.2019, and issued letters to all the candidates to attend for the certificate verification. However, when the petitioner appeared for the verification, he was informed that since his marks memo shows that

it is printed on 18.07.2018, which is after the cut-off date of 01.07.2018 for possessing the requisite qualification, his candidacy for the said posts could not be considered. When the petitioner requested that he be given some time to establish that, in fact, he had completed his B.Tech Course prior to 01.07.2018, he was advised to produce the evidence to establish the same. Therefore, the petitioner immediately approached his Institute, namely National Institution of Technology, Patna. The Institute issued a letter dated 21.06.2019 clarifying that the petitioner had completed his Degree on 29.05.2018, although the grade card was printed on 18.07.2018. Therefore, the petitioner submitted both the letter dated 21.06.2019 and the grade card. Moreover, on 26.06.2019, the petitioner submitted a representation to the appellant clarifying that he had completed the requisite Degree on 29.05.2018, although the grade card was printed on 18.07.2018. Therefore, he requested that his case should be considered for the posts for which he had applied. However, the said representation fell on deaf ears. Hence, the petitioner filed the writ petition before this Court. By order dated 03.01.2020, the learned Single Judge allowed the writ petition in the aforementioned terms. Hence, this writ appeal filed by the appellant.

Mr. M.V. Rama Rao, the learned counsel for the appellant, submits that since the petitioner did not have the Degree in his hand on the cut-off date of 01.07.2018, his case could not be considered. However, the appellant has not challenged the fact that the petitioner had, indeed, completed his course on 29.05.2018 as certified by the National Institute of Technology, Patna.

Mr. Rahul Reddy, the learned counsel for the respondent-petitioner, submits that the appellant is taking a hyper-technical view of the situation. Since the appellant has not questioned the fact that the petitioner had completed his Degree on 29.05.2018, even if Degree has not been granted by the National Institute of Technology, Patna, it would not make the petitioner ineligible for the post. Therefore, the learned counsel has supported the impugned order.

Heard both the learned counsel for the parties, perused the impugned order, and examined the record submitted by the parties.

A bare perusal of the notification dated 31.05.2018 clearly reveals that while prescribing the minimum educational qualification, it is clearly stated that *“the candidate must hold, as on 1st July, 2018, a Degree awarded by any University in India”*, and for a candidate who belongs to Scheduled Caste or Scheduled Tribe, *“as on 1st July, 2018, he/she must have passed Intermediate or any other examination recognised by the Telangana State Government as being equivalent to Intermediate and should have studied 3 years Degree course”*.

Admittedly, the petitioner belongs to Scheduled Tribe community. The notification dated 31.05.2018, for the Post Code Nos.11 to 15, 17 and 18, prescribes the minimum educational qualifications as under:-

“D. Minimum Educational Qualification : *The Candidate must hold, as on 1st July, 2018, a Degree awarded by any University in India, established or incorporated by or under a Central Act, Provisional Act of State or of any Institution recognized by the University Grants Commission or any other equivalent qualification. In the case of a Candidate belonging to Scheduled Castes or Scheduled Tribes, as on 01st July, 2018, he/she must have passed Intermediate or any other*

examination recognised by the Telangana State Government as being equivalent to Intermediate and should have studied 3 years Degree course.”

Similarly, another notification dated 31.05.2018, for the Post Code No.33, prescribes the minimum educational qualification as under:-

“For Post Code No.33 : *Must possess a Degree with Computer Science OR Computer Applications OR Information Technology as one of the subjects awarded by any University in India established or incorporated by or under a Central Act, Provisional Act of State OR of any institution recognised by the University Grants Commission as on 1st July, 2018.”*

A bare perusal of both the notifications clearly reveals that while the notification for the Post Code Nos.11 to 15, 17 and 18 requires “*a candidate to hold a Degree*”, the other notification dated 31.05.2018, for the Post Code No.33, requires “*a candidate to possess a Degree*”. Moreover, the first notification dated 31.05.2018 for the post Code Nos.11 to 15, 17 and 18, for a candidate belonging to Scheduled Tribe community, does not require him to hold a Degree, but makes him sufficiently eligible for the said post, provided he has passed Intermediate and has completed three year Degree course.

The words “hold” or “possess” will have to be interpreted liberally. Therefore, it cannot be held that a candidate must have physical possession of a Degree in his hand, when he/she applies or when he/she comes for verification. For, at times, Degrees are awarded much later than the year in which the candidate may have completed his course of study. Therefore, a candidate cannot be made to suffer for the inefficiency of the Institute of learning. Since the petitioner had completed the course of his study, since there is

no allegation, even by the appellant, that he had failed to complete the course of his study, the appellant is not justified in claiming that the petitioner did not “hold” or “possess” a Degree. Undoubtedly, the petitioner had completed his course of study on 29.05.2018, which is prior to the cut-off date of 01.07.2018. It is this particular aspect which has weighed with the learned Single Judge.

Therefore, this Court does not find any illegality or perversity in the impugned order. Since this writ appeal is devoid of any merit, it is hereby dismissed. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

07th February, 2020
JSU

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