

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

W.A. Nos. 180, 182, 184, 185, 186, 187 & 188 of 2019

Date: 27-02-2020

W.A.No. 180 of 2019

Between:

Southern Power Distribution Company
of Telangana Limited (TSSPDCL),
rep. by its Chairman and Managing Director

...Appellant

and

Neela Neeraj

...Respondent

**Counsel for the Appellant: Mr. G. Vidyasagar
for Ms. K. Udaya Sri**

**Counsel for the respondents: Ms. Hemalata Nageshwar Pitalewar
for Mr. J. Sudheer**

The Court made the following:

Common Judgment: (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

All these appeals arise out of the same impugned order, *namely* order dated 11-12-2018, passed by a learned Single Judge in Writ Petition Nos. 18277 of 2018 and batch, whereby the learned Single Judge has allowed the writ petitions, and has directed the appellant-Corporation to review the General merit lists of selected candidates for the posts of Assistant Engineer (Electrical), and for the posts of Junior Accounts Officer by giving priority to the older candidates in cases where more than one candidate has secured the same aggregate marks in the written examination conducted by the appellant-Corporation.

Briefly, the facts of the case are that the appellant-Corporation issued a notification on 11-01-2018, calling for applications from the eligible candidates for filling up the posts of Assistant Engineer (Electrical) and Assistant Engineer (Civil). According to the said notification, there were 133 vacancies for the posts of Assistant Engineer (Electrical). Likewise, by another notification dated 11-01-2018, the appellant-Corporation advertised for the posts of Junior Accounts Officer. Since the writ petitioners

were eligible for the said posts, they applied for the same. They also appeared in the written examination. According to the notification, out of 100 marks, 80 marks were earmarked for the Core Subject, and 20 marks were earmarked for the General Awareness. According to the writ petitioners, they had cleared the written examination. However, many of the candidates had scored identical marks in the written examination. Therefore, the appellant-Corporation took a decision to draw the merit list on the basis of the marks obtained by the candidates in the Core Subject. Aggrieved by the merit list, a large number of candidates approached this Court. By common order dated 11-12-2018, the learned Single Judge has not only allowed the writ petitions, but also passed the directions aforementioned. Hence, these appeals before this Court.

This Court has asked Mr. G. Vidyasagar, the learned Senior Counsel, whether in the notification issued by the Corporation it was clearly mentioned that in case two candidates were to secure the same exact marks, whether the merit would be decided on the basis of the marks secured by them in the Core Subject or not? The learned Senior

Counsel has frankly conceded that no such information was given in the notification. However, according to the learned Senior Counsel, the Corporation decided to draw the merit list on the basis of the marks obtained by such candidates in the Core Subject .

It is, indeed, a settled principle of law that the rules of the game cannot be changed in the middle of the game. Ordinarily, when two candidates score identical marks, the candidate who is older in age is selected for the post. Since this settled principle is followed across the board, the same principle should have been applied by the appellant-Corporation. Surprisingly, the appellant-Corporation has ignored the said rule, and has invented a new rule, that, too, in the middle of the game. Therefore, the learned Single Judge was justified in concluding that the settled principle has been ignored, and a new rule has been created and applied in middle of the selection process. Hence, the learned Single Judge was justified in allowing the writ petitions by the impugned order.

For the reasons stated above, this Court does not find any illegality or perversity in the impugned order. These writ

appeals, being devoid of merit, are, hereby, dismissed. The appellant-Corporation is granted one month's time, from the date of receipt of a certified copy of this judgment, to implement the directions issued by the learned Single Judge, which have been confirmed by this Court.

As a sequel, miscellaneous petitions, pending if any, stand dismissed as infructuous.

(Raghvendra Singh Chauhan, CJ)

(A.Abhishek Reddy, J)

Dt: 27th February, 2020
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