

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.980 OF 2019

DATED : 07.02.2020

Between :

M. Swathi D/o.Venkataiah,
Aged 33 yrs, Occu : Unemployed,
R/o.H.No.16-74/7/1,
Shantinagar, Thorrur, Mahabubabad

..... Petitioner

And

Sri Benhur Mahesh Dutt Ekka, IAS,
Principal Secretary, Social Welfare Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.980 OF 2019

ORDER :

Batch of writ petitions were instituted by the persons who are qualified to be recruited as Trained Graduate Teachers in Science discipline, alleging that the Telangana State Public Service Commission (TSPSC) has not followed the procedure envisaged by Rule 6-A of the Telangana State Public Service Commission Rules of Procedure (for short 'the Rules') and no willingness was called from the candidates, whose names are included in the select list before finalizing the selections and drawing up the merit list, and there were many candidates who are not willing to join the post as they were already selected in some other posts or disinclined to take up the employment. The batch of writ petitions were disposed of directing the TSPSC to enquire from the candidates included in the select list in terms of Rule 6-A of the Rules, about their willingness to relinquish for appointment to the post of TGT (Science) and if any relinquishment option is exercised by them, to delete their names from the list and include the next meritorious candidates. Petitioner alleges that this direction is not complied and no exercise was undertaken calling willingness from the candidates, but they were also included in the revised select list drawn on 12.02.2019, and this contempt case is filed.

2. According to learned counsel for the petitioner, in accordance with the directions issued by the Court, enquiry was made and called for willingness of the candidates, to take up the

employment. About 52 candidates have exercised their option not to take up the employment and accordingly, those names are deleted and 52 more candidates are added. But at this stage, Rule 6-A is not observed, though there are many more candidates who are also not willing to take up the employment, as no enquiry was made from them, their names are included and ultimately they have not joined in the service. If that exercise is continued, some more candidates like the petitioner would have been included and because of illegal action of the authorities, in violation of the directions issued, an opportunity to seek employment is deprived to the petitioner.

3. According to learned Standing counsel, as directed by this Court, willingness was called from the candidates, whose names are included in the select list and after receiving their willingness not to take up employment as TGT (Science), their names are deleted and the names of next meritorious candidates are included. At this stage, there is no requirement for TSPSC to call for willingness from those candidates and therefore, the directions of this Court are not violated.

4. Prima-facie, there is merit in the contentions of learned counsel for the petitioner, but in the contempt proceedings, the same cannot be gone into. There was no direction issued by this Court to undertake the exercise as required by Rule 6-A of the Rules, continuously, till the merit list is finally drawn up. Therefore, it cannot be said that the TSPSC has violated the directions of this Court, warranting initiation of contempt proceedings.

5. At this stage, the Court is informed that petitioner has also filed W.P.No.9626 of 2019 on the same issue.

6. Thus, leaving it open to the petitioner to work out her remedies in the pending writ petition, on the allegation of non compliance of Rule 6-A continuously, calling for willingness from the candidates included in the revised merit list, the Contempt Case is closed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

7th February, 2020
Rds

