

HIGH COURT FOR THE STATE OF TELANGANA

THURSDAY ,THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT APPEAL NO: 292 OF 2020

Writ Appeal under clause 15 of the Letters Patent Appeal Preferred Against the Order Dated. 18-08-2020 in W.P.No. 12866 of 2020 on the file of the High Court.

Between:

Neeradi Babu, S/o Narasiah. Aged 30 years, Occ Working as a Artisan Grade-II, R/o 1-67, Ravurukula Village and Mandal Siddipet District, Telangana State.

...APPELLANT

AND

1. The Southern Power Distribution Company of Telangana Limited , Mint Compound, Hyderabad. Rep by its Chairman and Managing Director.
2. The Chief General Manager (HRD), Southern Power Distribution Company of Telangana Limited, Mint Compound, Hyderabad.
3. The Divisional Engineer Electrical, Southern Power Distribution Company of Telangana Limited, Siddipet.

...RESPONDENTS

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to fill up the post of Junior Lineman in pursuance of Recruitment Notification No 1 of 2019 dated 28.09.2019 in so far as SC Quota of Siddipet District / Circle, pending disposal of the main writ appeal.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to consider the case of the petitioner for appointment to the post of Junior Lineman by duly giving weightage marks as per the Recruitment Notification No 1 of 2019 dated 28.09.2019 and allow him to participate in the selection process by duly considering the representation dated 16.07.2020, pending disposal of the main writ appeal.

Counsel for the Appellant:SRI. CH RAVINDER

Counsel for the Respondents: SRI. G. VIDYASAGAR FOR SMT. K. UDAYASRI,

SC FOR TSTRANSCO

The Court delivered the following:

2

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

The appellant, writ petitioner, challenged the legality of the order dated 18.08.2020, passed by the learned Single Judge in W.P.No.12866 of 2020, whereby the learned Single Judge had dismissed the writ petition, *inter alia*, on the ground that in the form filled by the appellant, he had failed to indicate his previous service with the respondent No.1. Therefore, the respondent No.1 was justified in not granting the benefit of weightage marks to the appellant.

2. The brief facts of the case are that the appellant claims that since 2006 he has been working as a casual labour with the respondent No.1 at Siddipet Rural. He completed his ITI (Electrical) in 2009. On 29.07.2017, he was subsequently absorbed along with several other contract casual labours as Artisan Grade-II. However, as a PIL was filed before this Court, namely W.P (PIL) No.149 of 2017, the appellant was informed that he is engaged on "a temporary basis" as Artisan Grade-II subject to the final outcome of the said PIL.

3. Furthermore, according to the appellant, on 28.09.2019, the respondent No.1 issued a recruitment notification for the post of Junior Lineman. According to para VIII of the notification, prescribing the procedure for selection, a total marks of 100 existed, wherein 80 marks were given for the written test, and weightage marks, to a maximum of 20 were given for those who have been working with the respondent No.1 on a temporary basis. The appellant further claims that since he has been working on a temporary basis, he is entitled to 20% marks as weightage marks. He had filled up the form. However,

inadvertently in the form, he had failed to mention the fact that he was working as a temporary employee with the respondent No.1. He discovered the mistake when his marks were provisionally declared. He enquired about the fact why no weightage marks were given to him. He was informed that in his form there is no mention of his previous service rendered by him. Therefore, challenging the non-grant of the weightage marks, the appellant filed the writ petition before the learned Single Judge. However, as mentioned hereinabove, by order dated 18.08.2020, the learned Single Judge had dismissed the writ petition. Hence, this appeal before this Court.

4. Mr.Ch.Ravinder, the learned counsel for the appellant, submits that since the appellant has made a *bona fide* mistake of not indicating his previous service, he should not be penalized for the said mistake. Secondly, the moment he discovered that a mistake had been committed, he has made a representation before the respondent No1. Therefore, the appellant has been pursuing his remedies with due diligence. Hence, the learned Single Judge was not justified in dismissing the writ petition. Therefore, the impugned order deserves to be set aside by this Court.

5. Heard the learned counsel for the appellant, and perused the impugned order.

6. Needless to say, a candidate is expected to be diligent and vigilant while filling up a form. Any mistake made by a candidate in the form could cost him dearly. Admittedly, in the form filled up by him the appellant has failed to indicate the fact that he

had been working on a temporary basis with the respondent No.1. For, undoubtedly in the column meant for indicating 'if a candidate were a temporary employee', the appellant has clearly written the words "NO". Moreover, he had not filled up any details of the period for which he was an employee of the respondent No.1.

7. The learned Single Judge had also noticed the fact that even after making the said mistake, the appellant did not inform the employer about the fact that a mistake does exist in his form. Moreover, since the entire selection process was over with declaration of selection list, the learned Single Judge was justified in concluding that to allow the petition was to direct the respondent No.1 to re-do the entire merit list. Such an order passed by this Court would adversely effect the candidates who were already selected, and were equally accorded right of appointment. Therefore, this Court is of the opinion that the learned Single Judge was justified in dismissing the writ petition.

8. For the reasons stated above, this Court does not find any illegality or perversity in the impugned order. The writ appeal is devoid of any merit and is hereby dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-C.V.MALLIKARJUNA VARMA
DEPUTY REGISTRAR

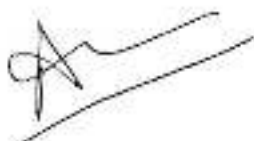
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SECTION OFFICER

To,

1. One CC to Sri. Ch. Ravinder, Advocate (OPUC)
2. One CC to Smt. K. Udayasri, Advocate (OPUC)
3. Two CD Copies.

PM



HIGH COURT

DATED:10/09/2020



JUDGMENT

WA.No.292 of 2020

Dismissing the WP
Without costs

4
REMA
24/9/2020