

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13079 of 2019

ORDER

This writ petition is filed seeking the following relief:

“to issue a writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the petitioner for the post of Sub-Inspector of Police against post code Nos.11 to 15, 17 and 18 under Recruitment Notification Rc.No.89 /Rect/Admn.1/2018 and Assistant Sub-Inspector of Police against Post Code No.33 under Recruitment Notifications Rc.No.91/Rect/Admn-1/2018, dated 31.05.2018 issued by the 2nd respondent on the ground that petitioner's Marks Memo was processed and printed after 01.07.2018 though he has completed his degree on 29.05.2018 as per the letter of the National Institute of Technology, Patna, dated 21.06.2019 as totally illegal, without jurisdiction, violative of Articles 14, 16 and 21 of Constitution of India and consequently direct the respondents to select and appoint the petitioner for any of the posts under Nos.11 to 15, 17 and 18 under Recruitment Notification Rc.No.89/Rect/Admn.1/2018, dated 31.05.2018 and Assistant Sub-Inspector of Police against Post Code No.33 under Recruitment Notifications Rc.No.91/Rect/Admn-1/2018, dated 31.05.2018 with all consequential benefits and pass such and further orders in the interest of justice.”

Heard Sri S.Rahul Reddy, learned counsel for the petitioner, learned Government Pleader for Home appearing for the 1st respondent and Sri M.V.Rama Rao, learned Standing Counsel appearing for the 2nd respondent.

It is the case of the petitioner that pursuant to the notification dated 31.05.2018 issued by the 2nd respondent, the petitioner has applied for the post of Sub-Inspector of Police. As per the notification, one must acquire the qualification of Degree as on 01.07.2018. The petitioner had acquired B.Tech

degree provisional certificate by 30.5.2018 itself. But the respondents are not considering his case for the post of Sub Inspector of Police on the ground that he has not acquired the requisite qualification as set out in the notification.

Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for appointment to the post of Sub-Inspector of Police by duly taking into consideration the fact that the petitioner has acquired B.Tech qualification by 30.05.2018. It is further contended that while admitting the writ petition on 28.06.2019 this Court *vide* I.A.No.1 of 2019 directed the respondents to consider the case of the petitioner for appointment to appropriate post in pursuance of the notification dated 31.5.2018 by treating that the petitioner has acquired qualifications as on the date of notification, if he is otherwise eligible and qualified. It is further contended that in spite of the said direction, the respondents are not considering the case of the petitioner.

Learned Standing Counsel appearing for the 2nd respondent contended that the petitioner was not having the requisite qualification as on 01-07-2018. Since the petitioner could not produce any material to demonstrate that he is having the requisite qualification as on 01-07-2018, his case

could not be considered for appointment to the post of Sub-Inspector of Police. There are no merits in the writ petition and the same is liable to be dismissed.

During the course of arguments, learned counsel appearing for the petitioner has produced the Provisional Grade Card. A perusal of the said Provisional Grade Card goes to show that result of the last semester was declared on 30.05.2018, which would mean that the petitioner has completed B.Tech course by 30.05.2018. The petitioner has acquired the requisite qualification as on 30.05.2018. As per the notification, one must acquire the requisite qualification as on 1.7.2018.

In view of the foregoing discussion and having considered the rival submissions made by the learned counsel on either side, this writ petition is allowed and the respondents are directed to consider the case of the petitioner for appointment to the post of Sub Inspector of Police, in accordance with Rules. No costs.

Miscellaneous petitions, pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date:03.01.2020
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