

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14043 OF 2019

Dated:27.02.2020

Between:

B. Ramya, D/o. Limbadri

.. Petitioner

And

The Chairman and Managing Director,
Northern Power Distribution Company
Limited, Vidyut Bhavan, Warangal,
Telangana State and others

.. Respondents



This Court made the following:

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ORDER:

Heard learned counsel for the petitioner, Sri G. Vidya Sagar, learned senior counsel representing Ms. K. Udaya Sri, learned counsel appearing for respondents 1 to 3, and Sri J. Sudheer, learned counsel for the impleaded respondent No.4.

2. Petitioner claimed to be belonging to BC-B category. She responded to the recruitment notification No.4 of 2018, dated 31.05.2018 issued by Northern Power Distribution Company of Telangana Limited inviting applications for selection to the post of Junior Accounts Officer. In the selections conducted by the respondent - Company, petitioner secured 79 marks and stood on top of the merit list in BC-B category. In the normal course, she was entitled to be appointed. To claim benefit of reservation under BC category, candidate must belong to non-creamy layer. As per the procedure evolved by the respondent - Company, in the applications to be submitted by the candidates, the candidates must disclose all the particulars i.e., age, educational qualifications, social status and also should keep ready the documents to support the declarations given in the applications and to produce them whenever they are asked to produce for verification.

3. On 20.06.2019, notice was issued to the petitioner asking her to attend to the certificate verification on 28.06.2019 with all the original certificates along with two sets of xerox copies. On the said date, petitioner failed to produce the certificate of non-creamy

layer, which is an essential requirement to consider a candidate as a reserved category candidate. It appears, again certificate verification was conducted on 06.07.2019 and on the said date also, petitioner did not produce the certificate of non-creamy layer. At that stage, petitioner filed this writ petition. This Court, by order dated 10.07.2019, directed the respondents to verify the certificates of the petitioner. Pursuant to the said interim order, again on 12.07.2019, certificate verification was conducted, but petitioner failed to produce the certificate of non-creamy layer.

4. According to learned counsel for the petitioner, petitioner belongs to non-creamy layer BC category and the certificate was issued to her on 16.11.2019.

5. The Court is not going into the aspect, whether petitioner actually belongs to non-creamy layer, but fact remains, by the time she submitted her application or by the date of certificate verification, she did not produce the non-creamy layer certificate issued to her by competent authority.

6. The recruitment notification dated 31.05.2018 clearly stipulates that columns to be filled by the candidates and to keep ready all the relevant certificates. The persons belonging to BC category must have non-creamy layer certificate by the date of notification to consider under reserved category. In PARA-IV of the recruitment notification, which deals with General Provisions, it is clearly mentioned that the candidates should keep the relevant certificates ready and the same is also informed to the petitioner, while petitioner was asked to attend for certificate verification. In the letter dated 20.06.2019 also, it is clearly stated that 'no

request will be entertained for subsequent submission of original certificates' and petitioner was requested to attend for verification of certificates. Thus, on more than one occasion, petitioner was put on notice to produce all the relevant certificates including non-creamy layer, but she failed to produce the same, even though she had three opportunities.

7. Therefore, in the absence of production of non-creamy layer certificate, petitioner cannot be treated as a candidate belonging to BC-B category and vacancy earmarked thereof goes to the next meritorious candidate. Therefore, there is no merit in the writ petition.

8. The Court is informed that on account of pendency of the writ petition though no stay was ordered by this Court, the vacancy earmarked for BC-B category is not filled up. Since the writ petition is dismissed, it is open to the respondent authorities to take steps to fill up the vacancy earmarked for BC-B category as per the merit in BC-B category.

9. The Writ Petition is accordingly dismissed. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:27.02.2020

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