HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.37674 OF 2012

ORDER:

Heard Sri Naga Praveen Vankayalapati, learned counsel for the petitioners and Smt A.Deepthi, the learned Standing counsel for the respondents.

This writ petition is filed seeking the following relief :-

> "....***WRIT OF MANDAMUS*** declaring the action of the respondents in not awarding 10 marks as service weightage as per supplement notification issued by the respondents in supplemental Notification No.01/CGM(HR)2011, dated 17.10.2011 to the petitioners is illegal, irregular, arbitrary and irrational and against the principles of natural justice as per articles 14 and 21 of constitution of India and consequently direct the respondents to award 10 marks service weightage to both the petitioners as per the clause stipulate din the notification and pass such other order....."

It has been contended by the petitioners that they were working with the respondents on contract basis. While so, the 2nd respondent issued notification dated 17.10.2011 for filling up the posts of Junior Plant Attendants (JPAs) and as per the notification, persons who are working on contract basis were entitled for 10 marks as service weightage marks. Petitioners further contend that as they were already working with the respondents, they have responded to the said notification and fared decently well in the selection process. However, at the time of final selections, their cases could not

be considered only on the ground that 10 marks as service weightage marks were not extended to them even though they were entitled to the same.

Learned counsel for the petitioners contends that 1st petitioner would not come within the zone of consideration even if 10 marks are awarded to him as service weightage marks. As such, he does not want to press for the relief sought for in this writ petition in respect of the 1st respondent.

As far as the 2nd petitioner is concerned, the 2nd petitioner had secured 56 marks and if 10 marks are awarded to him as service weightage marks, he comes within the zone of consideration, as the cut off marks to the post of Junior Plant Attendant is 64 marks. Therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to award 10 marks to the 2nd petitioner as service weightage marks and consider the case of the 2nd petitioner for appointment to the post of Junior Plant Attendant by duly taking into account his experience certificate enclosed by him at the time of submission of his online application form.

Learned Standing counsel appearing for the respondents relying upon the counter affidavit filed by the respondents contends that the respondents have entrusted the task of verifying the experience certificates to a Committee and the Committee had examined the cases of the

petitioners. Since the petitioners have not submitted the experience certificates, the Committee had not awarded 10 marks as service weightage marks to the petitioners.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that though the respondents have filed a counter affidavit, no where in the counter, it is stated that the petitioners have not submitted experience certificates along with the online application form, so as to deny 10 marks of service weightage to the petitioners, except stating that the task of verifying the experience certificates was entrusted to a Committee and Committee has not awarded 10 marks as service weightage marks to the petitioners. On the other hand, learned counsel for the petitioners drawn the attention of this Court to the information obtained by him through Right to Information Act to the effect that the petitioners were already working with the respondents on contract basis, which itself would mean that the petitioners are entitled for experience certificates. Therefore, the respondents are directed to verify the experience certificate of the 2nd petitioner once again and if the same is found genuine, consider his case for awarding 10 marks as service weigtage marks, so as to enable him for appointment to the post of Junior Plant Attendant, and also to consider the case of the 2nd petitioner for appointment to the post of Junior Plant Attendant and pass appropriate orders in accordance with

Rules. The whole exercise, as indicated above, should be accomplished by the respondents within a period of three (03) months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 09-01-2020
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HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD

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