

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 14732 OF 2018

Between:

C.R. Mallu, S/o. late Ailaiah, aged about 53 years, Occ Dy. Supdt(T), E. No. 310819, R/o. 2-6/2, Mulkanoor, Bheemadevarapally, Warangal Urban Dist.

...PETITIONER

AND

1. Telangana State Road Transport Corporation, Rep. by its Managing Director, Bus Bhavan, Musheerabad, Hyderabad.
2. The Dy. Chief Personnel Manager, TSRTC, Karimnagar Zone, Karimnagar.
3. The Chairman, TSRTC., For the Post of Supt(T), Departmental Selection Committee, Karimnagar Zone, Karimnagar.
4. Smt. R. Shakunthala, Aged about 48 years, Occ Supdt (T), O/o. Bus Depot, TSRTC, Utnoor, Adilabad District.
5. Smt. Anjel, Aged about 47 years, Occ Supdt (T), O/o. Bus Depot, TSRTC, Husnabad, Siddipet District.
6. B. Varjilal, Aged about 50 years, Occ Supdt (T), O/o. Bus Depot, TSRTC, Husnabad, Siddipet District.
7. E.Y. Giri, Aged 56 years, Occ Supdt (T), O/o. TSRTC Local Depot, Gokulanagar, Hanmakonda, Warangal Rural District.
8. J. Gyaneshwar, Aged about 54 years, Occ Supdt (T), O/o. Bus Depot, TSRTC, Manthani, Peddapalli District.
9. T.S. Ramaiah, Aged about 54 years, Occ Supdt (T), O/o. Bus Depot, TSRTC, Bhoopalpalli, Jaya Shankar Bhoopalpalli District.
10. G.P. Singh, aged about 50 years, Occ Supdt (T), O/o. Bus Depot, TSRTC, Korutla, Jagityal District.
11. S. Laman, Aged about 50 years, Occ Supdt (T), O/o. Bus Depot, TSRTC, Bhaimsa, Nirmal District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ or direction, particularly one in the nature of WRIT OF MANDAMUS, declaring the impugned order dated E2/255(37)/2017-Dy.CPM.KR, dated 17.03.2018 promoting unofficial respondents No. 4 to 11 ignoring the petitioner's case is illegal, unjust, discriminatory and also in violation of Art. 14, 16 and 21 of the Constitution of India and consequently, the petitioner pray this Hon'ble Court may be pleased to direct the respondents 1 to 3 to

promote the petitioner to the post of Superintendent (Traffic) on par with unofficial respondents No. 4 to 11 along with all consequential benefits in the interest of justice and fair play.

IA NO: 1 OF 2018

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 suspend the impugned promotion order dated E2/255(37)/2017-Dy.CPM.KR, dated 17.03.2018 pending disposal of the above writ petition in the interest of justice and fair play.

IA NO: 2 OF 2018

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 petitioner case on par with the unofficial respondents No. 4 to 11 for promoting the petitioner to the post of Superintendent (Traffic) pending disposal of the above writ petition in the interest of justice and fair play.

Counsel for the Petitioner: SRI. V NARASIMHA GOUD

Counsel for the Respondents: SRI. GADDAM SRINIVAS (SC FOR TSRTC)

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.14732 OF 2018

ORDER:

Heard the learned counsel for the petitioner and learned Standing Counsel for TSRTC.

2. This writ petition is filed to issue an appropriate writ or direction, particularly one in the nature of writ of Mandamus declaring the impugned order dated E2/255(37)2017-Dy.CPM.KR, dated 17.03.2018 promoting unofficial respondents 4 to 11, ignoring the petitioner's case as illegal and in violation of Articles 14, 16 and 21 of the Constitution of India and consequently direct respondents 1 to 3 to promote the petitioner to the post of Superintendent (Traffic) on par with unofficial respondents with all consequential benefits.

3. **The Case of the petitioner, in brief, is as follows:**

a) The petitioner joined the service of the respondent corporation as conductor on 01.07.1988 on regular basis and presently he is working in the Head Quarter Enforcement Squad, Ranga Reddy Region, M.G.B.S., Gowliguda, Hyderabad. During his service, the petitioner was promoted as ADC, TI-III, and further promoted as Dy. Supdt(T) on 03.07.2013.

b) The 2nd respondent Zone which consists of Adilabad, Karimnagar, Khammam, Nizamabad and Warangal had issued notification on 01.08.2017 notifying the seniority list of Dy. Superintendent (T) the petitioner was at Serial No. 14 and unofficial respondents 4 to 11 were below his serial number as they were his juniors. The 2nd respondent had issued a letter on 07.03.2018 calling for the willingness from the employee working as Dy. Superintendent(T) within the Zone of Karimnagar basing on the seniority. In the said list, the petitioner was at Sl.No.4, as such the petitioner was called for interview on 12.03.2018 along with two others.

c) In the 1st week of April 2018, the petitioner came to know that the 2nd respondent had issued impugned order dated 17.03.2018 promoting the unofficial respondents No.4 to 11 to the post of Superintendent (Traffic) from the post of Dy. Superintendent (Traffic) ignoring his case without any valid reason. However, Mr. K. R. Reddy, who was interviewed along with the petitioner was promoted as Supdt(T) and also retired from service on 31.03.2018 on reaching the superannuation age of 58 years. Further the petitioner came to know that the 11th respondent, who was denied promotion like him was also promoted in the same month.

d) The post of Suptd(T) is state wide post. However, it was informed orally that the petitioner's M.R.R. (Merit Rate Report)

as submitted by his Unit officer is not up to the marks. Hence, this writ petition is filed.

4. **The case of the respondents, in brief, is as follows:**

a) The petitioner during the selections held on 13.03.2018, was called for interview for promotion to the post of Supdt(T), and during the selections he had not secured requisite qualifying marks i.e., 50 out of 100. For the post of Supervisory category a candidate must secure 50 marks in the selections, except for SC/ST category. The SC/ST candidates have to secure 40 marks out of 100. But, the petitioner is a BC-B candidate and secured 34 marks only.

b) The petitioner's Merit Rating Reports for the years 2013-14, 2014-15, 2015-16, 2016-17 are totally adverse. The same was communicated to the petitioner by taking clear acknowledgment. Therefore, the writ petition is liable to be dismissed as the impugned notification does not suffer from any illegality or infirmity.

5. **PERUSED THE RECORD.**

DISCUSSION AND CONCLUSION

6. **The respondent Nos.1 to 3 filed counter affidavit, in particular, paras 5, 6 and 7 reads as under:**

"5. It is submitted that the petitioner during the selections held on 13.03.2018, was called for interview for promotion to the post of Supdt (T). During the selections, he had not secured requisite qualifying marks i.e., 50 marks out of 100 marks. For the post of Supervisory category candidate

must have secure 50 marks in the selections except SC/ST category. For SC/ST candidates has to be secure 40 marks only out of 100 marks. But, the petitioner, a BC-B candidate, got 34 marks. The details are furnished here under:

Category	Marks Secured	Remarks
MRR	14	
Service Marks	16	
Addl. qualifications	0	
Awards	+3	
Spl. achievements if any	0	
Marks to be reduced for punishments	-3	Annual Increment differed for 01 year WOCE, dated 06.04.2015
Marks awarded for interview	4	
Total Marks Secured	34	

6. It is submitted that therefore, the Selection Committee has not selected the Petitioner to the post of Supdt (T) as he has not come up to the standards of selection. His Merit Rating Reports for the years 2013-14, 2014-15, 2015-16 and 2016-17 are totally adverse. The same was also communicated to the Petitioner by taking clear acknowledgement.

7. In the said circumstances, the impugned notification is justified and sustainable, does not suffer from any illegality or infirmity. The grievance of the petitioner is unsustainable and untenable for the reasons stated above. The writ petition is devoid of merits and indulgence of this Hon'ble Court does not warrant, thus, the writ petition is liable to be dismissed in the interest of justice.

For the reasons stated above, the writ petition be dismissed with exemplary costs in the interest of justice."

7. The contents of the circular No.PD-15/1989, dated 13.02.1989, reads as under:

"In order to have uniform selection procedure for all Selection Posts, guidelines were issued through the reference 3 cited, to assess comparative merit and suitability for promotion by selection in respect of candidates other than those belonging to SC/ ST.

The Recognized Union has represented that in the selection procedure, communicated, hardship is caused to

certain senior employees who passed qualifying departmental examination in view of the marks allotted to various criterion.

In consideration of the request made by the Union, it has been decided to change the criteria for selection to the Supervisory posts giving weightage marks as

MRRs	50	Marks
Service	25	Marks
Interview	10	Marks
Addl. Qualifications	5	Marks
Rewards/Awards etc.	5	Marks
Spl. Achievements/Accomplishments as Recorded in MRR or P. Case	5	Marks
Total	100	Marks

The minimum marks prescribed as 50 for eligibility for selection vide reference 4th cited, remains unaltered.

The minimum qualification possessed by the candidate as stipulated in APSRTC Employees' (Recruitment) Regulations, 1966, for the particular post will not be taken into account for awarding any marks under additional qualifications criterion. However, any additional qualifications acquired by the candidate while in service or at the time of entry into the service (To be decided by Selection Committee) will be considered for awarding marks.

The instructions issued earlier are deemed to have been modified to the extent specified hereinabove and shall come into force with immediate effect."

8. A bare perusal of the circular No.PD-15/1989, dated 13.02.1989 clearly indicates that in the Supervisory category post, the candidate must secure 50 marks in the selections and SC, ST candidates have to secure 40 marks out of 100. The petitioner admittedly being a BC-B candidate, had secured only 34 marks, thus, the petitioner had not satisfied the eligibility criteria as per the said circular.

9. Taking into consideration the averments made at Paras 5, 6 and 7 of the counter affidavit filed by the respondents, the writ Petition is accordingly dismissed. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri. V Narasimha Goud, Advocate [OPUC]
2. One CC to Sri. Gaddam Srinivas (SC for TSRTC) [OPUC]
3. Two CD Copies

TJ

GJP

HIGH COURT

DATED: 07/12/2022

ORDER

WP.No.14732 of 2018



DISMISSING THE WRIT PETITION
WITHOUT COSTS.

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