

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

**TUESDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION NO: 15199 OF 2014

Between:

1. The District Educational Officer-cum-Convenor, District Selection Committee - 2008, Nalgonda, Nalgonda District - 508 001.
2. The District Collector-cum-Chairman, District Selection Committee - 2008, Nalgonda District - 508 001.
3. The Director of School Education, A.P., Hyderabad - 500 004.
4. The State of Andhra Pradesh, rep., by its Principal Secretary, School Education Department, Secretariat, Hyderabad - 22.

...PETITIONERS/RESPONDENT NOS.1 TO 4 in O.A. No. 1622 of 2011

AND

1. Shaik Chandbee, D/o Janijya, Occ Unemployee, R/o H. No. 3-296/2/1/A, Srinagar Colony, Kodad, Nalgonda District.

...RESPONDENT/WRIT PETITIONER

2. Smt. Jella Aruna, D/o. Somaiah, Occ Language Pandit Hindi, O/o District Educational Officer, Nalgonda District At Nalgonda - 508001.

...RESPONDENT/RESPONDENT NO.5 IN O.A. No. 1622 of 2011

3. The Hon'ble A.P, Administrative Tribunal, A.P Hyderabad, rep., by its Registrar.

...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 a writ order or direction more particularly one in the Nature of Certiorari by calling the records relating to the order dt.23.04.2012 in O.A.No.1622 of 2011 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the same as contrary to law and issue an appropriate Writ

I.A. NO: 2 OF 2014(WPMP. NO: 18826 OF 2014)

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 stay all further proceedings pursuant to the order dt. 23.4.2012 in O.A.No. 1622 of 2011 passed by the Hon'ble A.P. Administrative Tribunal, Hyderabad pending disposal of the main Writ Petition

I.A. NO: 1 OF 2014(WVMP. NO: 2261 OF 2014)

Between:

1. Shaik Chandbee, D/o Janijiya, Occ Unemployee, R/o H. No. 3-296/2/1/A, Srinagar Colony, Kodad, Nalgonda District.

...PETITIONER/RESPONDENT NO. 1 W.P.

1. The District Educational Officer-cum-Convenor, District Selection Committee - 2008, Nalgonda, Nalgonda District - 508 001.
2. The District Collector-cum-Chairman, District Selection Committee - 2008, Nalgonda District - 508 001.
3. The Director of School Education, A.P., Hyderabad - 500 004.
4. The State of Andhra Pradesh, rep., by its Principal Secretary, School Education Department, Secretariat, Hyderabad - 22.
5. Smt. Jella Aruna, D/o. Somaiah, Occ Language Pandit Hindi, 0/0 District Educational Officer, Nalgonda District At Nalgonda - 508001.
6. The Hon'ble A.P, Administrative Tribunal, A.P Hyderabad, rep., by its Registrar.

(R5 is not necessary party in this petition)

...RESPONDENT

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 vacate the interim order in W.P.M.P.No.18826 of 2014 in WP No. 15199 / 2014 dt. 04.06.2014 and dismiss the Writ Petition with costs

Counsel for the Petitioners: ADDL ADVOCATE GENERAL (TG)

**Counsel for the Respondent No.1: M/S.V. YASHODA LEARNED COUNSEL
REPRESENTING FOR SRI. G V L MURHTY**

Counsel for the Respondent No.2: M/S. K. RAJITHA

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.15199 of 2014

ORDER: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

This Writ Petition is filed aggrieved by the orders passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity, 'Tribunal'), in O.A. No.1622 of 2011, dated 23.04.2012.

2) Heard the learned Additional Advocate General for the petitioners and Ms. V. Yashoda, learned counsel representing Sri GVL Murthy, learned counsel for respondent No.1.

3) It is contended by the petitioners that respondent No.1 has appeared for DSC-2008 for the post of Language Pandit (Hindi). She secured 68.5 marks and ranked as 68 in Nalgonda District. The name of respondent No.1 was included in the provisionally selected list. However, while re-drawal of the merit list afresh, the name of respondent No.1 was omitted from the selection list on the ground that

a candidate who secured 71 marks and a local candidate of Nalgonda District was considered for appointment to the said post. Respondent No.1 filed O.A. No.8144/2010 before the Tribunal seeking to consider her claim for appointment to the post of Language Pandit (Hindi). *Vide* order, dated 22.11.2010, said O.A. was disposed of by the Tribunal directing the authorities to consider the claim of respondent No.1 in the counseling to be held on or after 23.11.2010. *Vide* order dated 30.12.2010, the District Educational Officer, Nalgonda, had rejected the claim of respondent No.1 on the ground that admittedly in Nalgonda District, the last selected candidate under BC-B category has secured 71 marks, who is more meritorious than respondent No.1 herein as she secured 68.5 only. Aggrieved by the said rejection order, the respondent No.1 has again approached the Administrative Tribunal by filing O.A. No.1622 of 2011. *Vide* impugned order dated 23.04.2012, the Tribunal has allowed the O.A. in favour of respondent No.1 herein setting aside the rejection order dated 30.12.2010 and directing the petitioners herein to issue appointment orders to respondent No.1 to the post of

Language Pandit (Hindi) under BC-B Women category, without appreciating any of the contentions raised by the petitioners. Learned counsel has further contended that the last BC-B women candidate recorded in Nalgonda District has secured 71 marks whereas the respondent No.1 has secured 68.5 marks, which would mean that none of the candidates who have secured less than 71 marks were appointed in Nalgonda District. Therefore, it is prayed that appropriate orders be passed in the writ petition setting aside the orders passed by the Tribunal in O.A. No.1622 of 2011 dated 23.04.2012.

4) Learned counsel for respondent No.1 has contended that the post of Language Pandit is a District cadre post and 80% of the vacancies are liable to be filled up with the local candidates and 20% of the vacancies are liable to be filled up with the non-local merit candidates based on the Presidential Order and in the instant case, one candidate viz., Shaheda who has secured 71 marks and ranked '35' should have been appointed under 20% quota meant for merit but the petitioners have erroneously appointed Ms.

Shaheda under 80% quota meant for local candidates. If at all Ms. Shaheda has been adjusted under 20% quota, respondent No.1 would have been considered as a local candidate under 80% quota. This fact was not properly appreciated by the authorities and therefore the Tribunal was justified in allowing the O.A. Therefore, there are no merits in the present Writ Petition and prayed to dismiss the same.

- 5) Perused the material on record.
- 6) This Court having considered the rival submissions of both the counsel is of the considered view that as per the Presidential Order issued in G.O.(P). No.763 G.A. (SPF.A) Department dated 15.11.1975, and the amendments made thereto from time to time, 80% of the vacancies have to be reserved for local candidates and 20% of the vacancies are liable to be filled up under un-reserved quota. Admittedly, the more meritorious candidate i.e. Shaheda, who secured 35th rank was erroneously adjusted against 80% quota, whereas as per the marks secured by Shaheda she should have been adjusted under 20% quota, which is meant for

merit. In such a case, respondent No.1 could have been considered for appointment as Language Pandit (Hindi) under 80% quota reserved for local candidates. Therefore, the Tribunal is justified in allowing the O.A. in favour of respondent No.1 herein. This Court finds no reason to interfere with the impugned reasoned order passed by the Tribunal.

7) Accordingly, the Writ Petition is dismissed. Consequently, the petitioners are directed to comply with the order passed by the Tribunal in O.A. No.1622 of 2011 dated 23.04.2012, within a period of four weeks from the date of receipt of a copy of this order.

As a sequel, miscellaneous applications pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

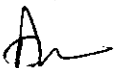
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SD/-V.KAVITHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. Two CCs to The Additional Advocate General, High Court for the State of Telangana[OUT]
2. One CC to Sri. G. V. L. Murthy, Advocate [OPUC]
3. One CC to M/s. K. Rajitha, Advocate [OPUC]
4. Two CD Copies

TJ
SB

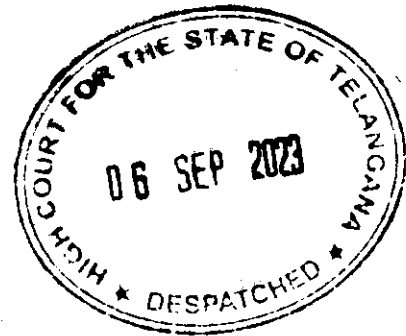


HIGH COURT

DATED:25/07/2023

ORDER

WP.No.15199 of 2014



**DISMISSING THE WRIT PETITION
WITHOUT COSTS.**

⑦
MA
24/8/23