APHC010011462024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

FRIDAY, THE 9th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 948 OF 2024

Between:

1. SYED IRSHAD, S/o. Mahboob Subhani, Aged 24 years, R/o.D.No.2-36/3, Saida Street, Chandole (Post), P.V.Palem Mdl, Guntur District, A.P. - 522 311.

...Petitioner

AND

1. UNION OF INDIA, Rep. by its Principal Secretary, Department of Home Affairs, North Block, New Delhi, India - 110001.

2. The Directorate General, Border Security Force, Block 10, CGO Complex, Lodhi Road, New Delhi-110003.

3. The Inspector General of Police, Inspector General Head Quarters IGHQ (Spl. OPS) BSF, 63/F, Risali Sector Bhilai, Chatisgarh - 490006.

...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 Pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not considering my candidature for recruitment for the post of Constable (Tailor) against the available vacancies vide recruitment notification

No.9A/Advt/CT(TM)-2023 /Rectt /BSF /2023/1657 dated 20.02.2023 despite qualifying in all the tests as arbitrary, illegal, contrary to the principles of natural justice besides being violative of Articles 14, 19(1)(g) AND 21 of the Constitution of India and the notification dated 20.02.2023 and consequently, direct the Respondent No.3 to consider my candidature against the lying vacant post of Constable (Tailor) on an equitable basis, and pass

IA NO: 1 OF 2024

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 pleased to direct the Respondents to consider the petitioner's candidature against the lying vacant post of Constable (Tailor) pursuant to the representation dated 26.12.2023 and pass

IA NO: 2 OF 2024

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 pleased to direct the Respondent Authorities not to fill up the vacancy in the future recruitment by carry-forwarding the lying vacant post of Constable (Tailor) to the next recruitment, and pass

IA NO: 1 OF 2026

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 may be pleased to grant leave to Respondents to present counter affidavit in WP.No.948 of 2024 and pass

IA NO: 2 OF 2026

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 may

be pleased to vacate the order dt. 11-01-2024 passed by this Hon'ble Court in the above writ petition and dismiss the writ petition with costs and pass

Counsel for the Petitioner: S.V.S.S.SIVA RAM

Counsel for the Respondents: PASALA PONNA RAO (SC FOR CENT GOVT.) Counsel for the Respondents:T NIRANJAN Deputy Solicitor General of India

The Court made the following order:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

ORDER:

The Writ Petition is filed for the following relief:

> *"to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not considering my candidature for recruitment for the post of Constable (Tailor) against the available vacancies vide recruitment notification No.9A/Advt/CT(TM)-2023 /Rectt /BSF /2023/1657 dated 20.02.2023 despite qualifying in all the tests as arbitrary, illegal, contrary to the principles of natural justice besides being violative of Articles 14, 19(1)(g) AND 21 of the Constitution of India and the notification dated 20.02.2023 and consequently, direct the Respondent No.3 to consider my candidature against the lying vacant post of Constable (Tailor) on an equitable basis, and pass*

2. Heard Ms. Yarabarla Geethika, learned counsel representing learned counsel for the petitioner and Ms. Shaik Shahedaz, learned counsel representing learned Deputy Solicitor General of India, appearing for the respondents.

3. The grievance of the petitioner herein is that petitioner had participated for selection to the post of Constable (Tailor) against the available vacancies under recruitment notification No.9A/Advt/CT(TM)-2023 / Rectt / BSF / 2023 /1657 dated 20.02.2023, but the respondents are not considering the candidature of the petitioner, despite qualifying all the prescribed tests.

4. Learned counsel for the petitioner submits that petitioner had qualified all the prescribed tests and as per the notification, three vacancies are notified for the post of Constable (Tailor). In the said three vacancies, two vacancies are said to be applicable to Unreserved Category (UR) and the remaining one vacancy was reserved for O.B.C. (Other Backward Classes). He further submits that as per the eligibility criteria and the qualifications therein for the post of Constable (Tailor), the petitioner is eligible for the said post and accordingly, he

participated in the selection process. He further submits that in the selection process, the petitioner got selected along with two other candidates as against the said three vacancies. However, no appointment order was given to the petitioner by the respondent authorities as the two other candidates were given appointment orders and still there is one more vacancy left for the post of Constable(Tailor). Aggrieved by the said action of the respondents, the petitioner approached this Court by filing this Writ Petition seeking to direct the respondents to consider the candidature of the petitioner for the post of Constable(Tailor).

5. Subsequent to this petition, the respondents have filed their counters wherein, it is stated that the petitioner is one of the candidate among the three shortlisted candidates for appointment to the post of Constable (Tailor). Though the petitioner was selected as the third candidate with serial No.3 in the said selection list, the petitioner got 39 marks in the said examination and the other two candidates belongs to O.B.C. (Other Backward Classes) got 61 and 49 marks respectively. The said two other candidates got more marks than the petitioner and they have not availed the relaxation available for O.B.C. candidates as such, they were appointed in un-reserved category. In view of the same, as the petitioner is not even in the zone of consideration for such appointment against the two un-reserved vacancies as the two other vacancy was reserved for O.B.C. (Other Backward Classes), as such, the petitioner appointment cannot be considered for appointment against reserved vacancy. In

view of the same, the petitioner would not appoint as he got only 39 marks and the remaining two vacancies were opted for the meritorious candidates and the said two vacancies falls under the un-reserved category.

6. In view of the above, this Court finds no merit in the Writ Petition and the case of the petitioner cannot be considered for appointment for the vacancy which is meant for O.B.C.(Other Backward Classes)

7. Accordingly, this Writ Petition is dismissed.

8. Consequently, interim orders also shall stand vacated.

JUSTICE BALAJI MEDAMALLI

Dated:09.10.2026
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Date:09.10.2026

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