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APHC010131582023

*** THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

+W.P.NO.6635 OF 2023

% 04.11.2026

#Between:

B Bhima Raju **...PETITIONER**

$And:

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

! **Counsel for the Petitioner:** D S SIVADARSHAN

^ **Counsel for the Respondents:** GP FOR SERVICES III

<Gist:

>Head Note:

? Cases referred:

1. (2024) 2 SCC 671
2. (1990) 3 SCC 655

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

***

+W.P.NO.6635 OF 2023

B Bhima Raju **...PETITIONER**

$And:

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No

2. Whether the copies of order may be marked to Law Reporters/Journals? Yes/No

3. Whether Your Lordships wish to see the fair copy of the Judgment? Yes/No

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JUSTICE BALAJI MEDAMALLI

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION: 6635 OF 2023

ORDER:

This writ petition is filed seeking the following relief:

"…to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents, particularly the action of the 2nd respondent in issuing the impugned Memo No.ESE02-20021/6/2018-RECTMT-CSE, dated 30.09.2022 stating that it is not feasible for consideration as per the Notification Rule 16 of DSC-2018 for selection/appointment of the petitioner to the post of Secondary Grade Teacher (SGT) in DSC-2018 Agency Local in Tribal Management even though there is an unfilled vacancy for want of genuine person with Local Tribe Certificate in West Godavari District only on the ground that .the candidates applying must be fully qualified for the post applied for and in possession of all Certificates as on the last date prescribed in the notification for submission of applications., while considering other similarly candidates of Agency Area on submission of their latest Local Scheduled Tribe Certificate is bad, illegal, arbitrary, unjust, improper, discriminatory, principles of natural justice guaranteed under Article 14, 16 and 21 of the Constitution of India and set-aside the impugned Memo dated 30.09.2022 issued by the 2' respondent and consequently direct the respondents to appoint the petitioner to the post of SGT(T) in an unfilled existing vacancy meant for Tribal Agency Area for want of genuine persons with Local Tribe Certificate in West Godavari District …"

2. Brief facts of the case are that:

Petitioner belongs to the Scheduled Tribe (Sugali) community and is a resident of the Tribal Agency Area of Buttaigudem Mandal, West Godavari District. He completed Diploma in Elementary Education in 2018 and qualified in TET-2018. Pursuant to DSC-2018 Notification No.768/TRC-1/2018 dated 26.10.2018, petitioner applied for the post of Secondary Grade Teacher (Telugu) under the ST category. Though he belongs to the Tribal Agency

Area, while submitting the online application, due to an inadvertent mistake caused by technical/network issues, he marked “No” instead of “Yes” in Column No.15 relating to claiming Local Cadre under G.O.Ms.No.133 dated 10.01.2001. Subsequently, petitioner appeared for the recruitment examination and secured 43.8667 marks with Rank No.6456 in West Godavari District. However, his candidature was considered under the Plain Area but not under the Tribal Agency Area, thereby his name was excluded in the final selection list, whereas 5 candidates having lower ranks than petitioner were selected. Subsequently, petitioner obtained a Local Agency Area Certificate dated 22.04.2021 issued by the Tahsildar, Buttaigudem and submitted a representation dated 19.05.2021 requesting to consider his candidature against the Agency Area vacancies. 4th respondent, through letters dated 26.05.2021 and 17.08.2022, recommended petitioner’s case to the 2nd respondent, specifically stating that petitioner belongs to the ST community, possesses the Local Agency Area Certificate, is more meritorious than the selected candidates and an unfilled vacancy was available in the Tribal Agency Area. Despite several further representations, 2nd respondent issued Memo No.ESE02-20021/6/2018-RECTMT-CSE dated 30.09.2022 rejecting petitioner’s claim on the ground that all requisite certificates ought to have been possessed as on the last date of submission of the application in terms of Rule 16 of the DSC-2018 Notification. Aggrieved by that, the above writ petition has been filed.

3. Respondent No.4 filed counter affidavit denying the averments made in the petition stating that petitioner applied for the post of Secondary Grade Teacher (SGT) under the Scheduled Tribe (ST) category pursuant to DSC-2018 notification. However, in Column No.15 of the application, relating to the claim under Local Cadre in terms of G.O.Ms.No.133, petitioner specifically marked his option as “NO”. Consequently, his application was not considered for the posts exclusively earmarked for Local Scheduled Agency Area candidates. It is further submitted that mere belonging to the Scheduled Tribe community does not automatically entitle a candidate to be considered against Scheduled Agency Area category without fulfilling the prescribed eligibility conditions. Petitioner admittedly obtained the Local Agency Area certificate only on 22.04.2021, subsequent to the last date for submission of application and after the relevant stages of the recruitment process had been completed. Therefore, as per Rule 16 of the DSC-2018 Rules, candidates are required to possess the requisite qualifications and certificates as on the last date of submission of applications. Therefore, the subsequent acquisition of the certificate cannot confer eligibility retrospectively or entitle the petitioner to seek consideration against the posts for which he had not exercised the requisite option in the application. It is further submitted that, pursuant to the representation submitted by petitioner, 4th respondent addressed a letter to 2nd respondent seeking clarification regarding petitioner's claim for consideration against the Local Scheduled Agency Area vacancy. 2nd respondent, vide Memo No.ESE02-20021/6/2018-RECTMT-CSE, dated

30.09.2022, clarified that petitioner's request could not be considered in view of Rule 16 of the DSC-2018 Rules. Thereafter, 4th respondent passed speaking orders vide Rc.No.7859/A1/2018, dated 21.10.2022, rejecting claim of petitioner in accordance with the applicable recruitment rules. As such, there is no illegality or irregularity warranting interference of this Court. It is further stated that the contention of petitioner that similarly situated candidates, who had not opted for the Local Scheduled Agency Area posts at the time of option, were considered and appointed is incorrect and the respondents have not entertained any such claim or made any appointment in violation of the applicable rules.

4. Against the averments made in the counter affidavit, petitioner filed reply affidavit stating that he is a permanent resident of Noothiramannapalem Village, Buttayagudem Mandal which is an Agency area, and the address of his grandmother at Unguturu Mandal was furnished only for communication purposes while submitting the application. Thereby, online portal automatically classified him as a plain-area candidate instead of tribal area candidate. It is further stated that G.O. Ms. No.133 is not applicable to the petitioner's case, as it pertains only to persons who migrated from the erstwhile State of Telangana and marking "NO" against the said G.O. does not disentitle him from claiming Agency reservation. It is further stated that the DSC online application process did not require certificates to be uploaded at the application stage, as the certificates were verified during counseling and the Agency Area Certificate dated 22.04.2021 was issued by the Tahsildar only

after due verification of his residence. Therefore, his candidature ought to have been considered by the respondents.

5. Subsequent to the filing of reply affidavit, respondents filed additional counter affidavit stating that 3 SGT posts remained unfilled. Thereafter, pursuant to the orders passed by this Court in W.P. No. 3356 of 2023, dated 12.04.2023, the respondents initiated steps to fill the unfilled reserved vacancies in accordance with the relevant roster points and merit. Accordingly, the eligible candidates, including J. Sandhya Rani, were considered and she was appointed as SGT (Telugu) under Agency (GPA) Management vide proceedings dated 31.07.2023.

6. Heard Sri G.Rohith, learned counsel representing Sri D.S.Sivadarshan, learned counsel for petitioner and Ms.B.Sameera, learned Assistant Government Pleader appearing for respondents.

7. Learned counsel for petitioner has drawn the attention of this Court to the impugned memo dated 30.09.2022, whereby the case of petitioner to consider his candidature against Agency Area vacancies was rejected stating that it is not feasible for consideration as per Rule 16 of DSC – 2018 Notification, which stipulates that candidates applying must be fully qualified for the post applied for and in possession of all the requisite certificates as on the last date prescribed in the notification for submission of applications.

8. Learned counsel for petitioner submits that petitioner did not possess the Agency Area Certificate as on the date of submission of application and he marked “No” instead of “Yes” in column No.15 of the application i.e., “Are you

claiming Local Cadre under G.O.Ms.No.133", as such, his case was not considered for appointment under the said category. However, learned counsel for petitioner submits that petitioner obtained a rank of 6456 in the merit list of West Godavari District, and he marked "No" in Column No.15 due to the mistake caused by internet/technical issues, as such, such mistake is not attributable to him, and he is ought to be considered for appointment under the said category.

9. Learned counsel for petitioner placed reliance on the judgment of the Hon'ble Apex Court i***n Sakshi Arha v. High Court of Rajasthan***[1], wherein the relevant portion reads as under:

> ***35.*** *The reservation of vacancies of various categories as referred to in Rule 10 is not a condition of eligibility for the candidate to participate in the selection process as the certificate of category for the purpose of claiming reservation will arise not at the stage when the application form is filled making self-declaration by the individual candidate to participate in the selection process but at the stage when the select list is to be prepared of the candidates who have participated in the selection process since the final select list has to be published category-wise by giving the benefit of reservation to the candidates who have participated in the process of selection and for no other purpose and when the respondent has demanded from the applicant to furnish their respective certificate of the category to which one had participated in the selection process under its notice dated 4-8-2022, indisputably each of the applicants had furnished the certificate of their category to which one belong at the time of advertisement when demanded by the recruiting authority in terms of Clauses 6(i) & (iii) read with Clause 22(3) of the advertisement dated 22-7-2021.*
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> *36. This Court in Dolly Chhanda v. Chairman, JEE [Dolly Chhanda v. Chairman, JEE, (2005) 9 SCC 779 : 2005 SCC (L&S) 734] , has*

[1] (2024) 2 SCC 671

considered the situation where the incumbent has failed to furnish the certificate seeking benefit of reservation and after examining the Scheme, this Court in the given circumstances, held as under : (SCC pp. 781-82, para 7)

> *"7. The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e. in the matter of holding the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or marksheets. Similarly, in order to avail of the benefit of reservation or weightage, etc. necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement to benefit of reservation. Depending upon the facts of a case, there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature."*

10. Placing reliance on the aforesaid judgment, learned counsel for petitioner submitted that, for the purpose of availing benefit of reservation or weightage, necessary documents have to be produced and the said documents are in the nature of proof of holding particular qualification or percentage of marks secured or entitlement to benefit of reservation. There can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertain in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature. Learned counsel further submits that the Agency Area Certificate is not a certificate evidencing the requisite qualification for the post but is required only for the purpose of claiming the benefit of reservation under the relevant category. Therefore, the said

certificate could be considered at the stage of certificate verification, and its non-production at the time of submission of the application ought not, by itself, to be fatal to the petitioner's candidature. Therefore, the authorities can consider the same even at the time of verification and appointment of the eligible candidates. In such circumstances, rejecting case of petitioner on the ground that he had not possessed requisite certificate/qualification as on the date of submission of application is arbitrary.

11. Per contra, learned Assistant Government Pleader submitted that, as on the date of submission of application, petitioner did not possess the Agency Area Certificate and, accordingly, marked "no" in Column No.15 in the application. Thereafter, petitioner obtained the said certificate only on 22.04.2021. In this regard, learned Assistant Government Pleader drawn the attention of this Court to the Agency Area Certificate produced by the petitioner which was dated 22.04.2021 i.e., much later to the last date for submission of application. That apart, petitioner had given the address of Unguturu Mandal which is a "Plain Area" but not an "Agency Area", as such, it is clear that he had intentionally not claimed reservation under Tribal Area.

12. Further, learned Assistant Government Pleader placing reliance on the judgment of the Hon'ble Apex Court in ***District Collector & Chairman, Vizianagaram Social Welfare Residential School Society v. M. Tripura Sundari Devi2***, submitted that where an advertisement prescribes specific qualifications for a post and an appointment is made in disregard of those

[2] (1990) 3 SCC 655

requirements, the matter does not concern merely between the appointing authority and the appointee. Rather, it also affects other eligible candidates who possessed qualifications equal to or higher than those of the appointee but did not apply for the post on the ground that they did not possess the qualifications stipulated in the advertisement. Learned Assistant Government Pleader further submits that the notification expressly stipulated that the candidates must possess all the certificates regarding qualification and eligibility as on the last date prescribed in the notification for submission of application. However, in the instant case, petitioner had intentionally marked "No" against Column No.15 and after obtaining the certificate of Agency Area on 22.04.2021, petitioner started litigating the matter, as such, he is not entitled for any benefit under the above said certificate. If any such benefit is extended, the same is contrary to the conditions mentioned in the notification itself which cannot be permitted.

13. Considered the submissions made on either side.

The Agency Area Certificate, though required for claiming the benefit of reservation, had to be submitted along with the application to enable the authorities to consider the candidature of the applicant under the reserved category and prepare the merit list accordingly. Such a requirement was expressly incorporated in the notification itself. Petitioner's failure to produce the said certificate in the application and his choice to mark the relevant column in the application form as "No" resulted in the exclusion of his candidature from consideration under the said reserved category.

14. Admittedly, petitioner did not possess the Agency Area Certificate as on the date of submission of application, and he obtained the same only on 22.04.2021. Further, as evident from the pleadings, petitioner for the reasons best known to him, mentioned his place of residence as Unguturu Mandal, which falls within the Plain Area. In view of the same, the authorities had no occasion to consider the petitioner under the Agency Area category in the absence of the requisite certificate establishing his eligibility to claim reservation as a local tribal candidate belonging to the Agency Area. Once the notification mandates submission of all requisite documents along with the application, such a condition cannot be deviated or relaxed after the selection process has been set in motion, i.e., after the issuance of the notification.

15. Learned counsel for petitioner also raised a contention that G.O.Ms.No.133 has no application to the present facts of the case, as the said G.O., pertains to the candidates migrated from Telangana into State of Andhra Pradesh subsequent to the bifurcation of the erstwhile State of Andhra Pradesh into the States of Andhra Pradesh and Telangana. The said contention, however, does not merit consideration in the present case, as it is an admitted fact that petitioner did not possess the requisite certificate as on the date of submission of application. Without delving into the question of whether the petitioner falls within the category contemplated under G.O.Ms.No.133, it is sufficient to observe that the petitioner neither possessed the requisite certificate nor claimed the benefit of reservation under the said category while submitting his application. Having failed to do so, petitioner

cannot subsequently rely upon a certificate obtained at a later stage to claim the benefit of reservation under the said category.

16. In view of the foregoing discussion, this Court does not find any merit to consider the case of petitioner. However, regarding availability of vacancies, learned Assistant Government Pleader for the respondents submitted that no vacancies are available, as all the vacancies have already been filled pursuant to the directions of this Court.

17. Accordingly, writ petition is dismissed. No order as to costs.

As a sequel, miscellaneous applications, pending, if any, shall stand closed.

JUSTICE BALAJI MEDAMALLI

Date: 04.11.2026
Dvs

Whether the order is:

Speaking	☑	Reasoned	☑
Reportable	☑	Non-reportable	

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION: 6635 OF 2023

Date: 04.11.2026

Dvs