

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

MONDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION NO: 34715 OF 2022

Between:

K. Srikanth, S/o. Ramachandran, aged 34 years, R/o.9-4-618, Saphagiri Colony, Near hasnapur Road No.3, Karimnagar District. Hall Ticket No. 912006429.

...PETITIONER

AND

1. High Court for the State of Telangana, Hyderabad Rep by its Registrar (Recruitment)
2. The Principal District and Sessions Judge, Karimnagar District, Karimnagar.
3. Erukala Sarin Kumar, S/o Laxmaiah R/o. H.No. 2-179, Nagepally Village, Ramageri Mandal, Peddapally District - 505576 Hall Ticket No.912003377
4. Gummala Chandra Shekar, S/o. Mallaiah R/o. H. No. 1-95/1, Velgatoor Village and Mandal, Jagityal District - 505172

...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 order, direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ (i) Declare that the 3rd Respondent and 4th Respondent are ineligible to be considered for the Post of Office Sub-Ordinate in terms of the Notification No.9/2019 dated. 31.07.2019, since they possess higher qualifications than the prescribed qualifications, (ii) Direct the 1st Respondent and 2nd Respondent to delete the names of 3rd Respondent and 4th Respondent and other similarly situated persons who possess higher qualification and (iii) consequently direct the Respondents 1 and 2 to consider the candidature of the petitioner in those resultant vacancies as per his merit in the selection list

IA NO: 1 OF 2022

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 1st Respondent and 2nd Respondent to consider the representation of Petitioner dated: 05.06.2022 by deleting the names of 3rd Respondent and 4th Respondent and consider the candidature of Petitioner for selection to the post of Office Sub-Ordinate

Counsel for the Petitioner: SRI SAI PRASEN GUNDAVARAM

**Counsel for Respondent Nos. 1 & 2: SRI ANAND KUMAR KAPOOR
(SC FOR THC)**

The Court made the following: ORDER

**HON'BLE SRI JUSTICE P.NAVEEN RAO
AND
HON'BLE SRI JUSTICE J.SREENIVAS RAO**

WRIT PETITION No.34715 OF 2022

ORDER : *(Per Hon'ble Sri Justice P.Naveen Rao)*

Heard Sri G. Sai Prasen, learned counsel for the petitioner and Sri Anand Kumar Kapoor, learned counsel appearing for respondents 1 and 2.

2. In pursuant to the recruitment notification No.9 of 2019 dated 31.07.2019 for recruitment to the post of Office Subordinate in the Telangana Judicial Ministerial Service, petitioner applied and participated in the selections. Petitioner belongs to BC-A Category. In this writ petition, petitioner challenges the selection of respondents 3 and 4 on the ground that both of them have passed 10th Class examination and therefore, they are ineligible to compete to the post of Office Subordinate and but for their selection, petitioner would have been selected and appointed.

3. Learned Counsel appearing for respondents 1 and 2 fairly submits that as per the recruitment notification, the requirement is a person should fail in SSC to be eligible to compete, whereas respondents 3 and 4 have passed the SSC examination and therefore, they are not eligible. It appears this

factum was not known to respondents 1 and 2, when their names were considered for selection and appointment.

4. Clause I of the recruitment notification deals with qualification prescribed. It reads as under :

"I. QUALIFICATION PRESCRIBED :

Must have passed 7th Class examination or its equivalent examination, Candidates who failed 10th Class will be considered eligible, but those who have higher qualifications than that will not be considered eligible.

The applicants have to state in their online application, the professional skills they have, such as cooking, carpentry, plumbing, electrical and painting etc., For the purpose of performing duties with respect of their professional skills at the residences of Judicial Officers."

5. From a reading of the above clause, it is clear that a person to compete to the post of Office Subordinate must have passed 7th Class or its equivalent examination and failed in 10th Class. This clause further makes it clear that those who have higher qualification than prescribed would not be considered as eligible. Petitioner has enclosed the SSC certificates of respondents 3 and 4. From these certificates it is seen that both of them have passed 10th Class and in terms of Clause I of the recruitment notification, it is clear that both of them were ineligible to compete to the post of Office Subordinate. Therefore, their selection is *ex facie* illegal.

6. Having found *prima facie* that the selection of respondents 3 and 4 was illegal, this Court by order dated 08.09.2022 granted stay of appointing respondents 3 and 4 as Office Subordinates and notice was issued. Though notices are served, respondents 3 and 4 have not entered appearance.

7. Having regard to the material placed on record which clearly reflect that respondents 3 and 4 were not qualified to compete to the post of Office Subordinates, their selection is set aside.

8. Accordingly, the Writ Petition is allowed to the extent of prayers 1 and 2. Consequently, respondents 1 and 2 are directed to fill up the slots occupied by respondents 3 and 4 in the merit list by next meritorious candidates. If petitioner is coming within the eligibility criteria, he should be included in the revised merit list.

Pending miscellaneous petitions, if any, shall stand closed.

**SD/-T.KRISHNA KUMAR
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

- To,
1. The Registrar (Recruitment), High Court for the State of Telangana, Hyderabad.
 2. The Principal District and Sessions Judge, Karimnagar District, Karimnagar.
 3. One CC to Sri Sai Prasen Gundavaram Advocate [OPUC]
 4. One CC to Sri Anand Kumar Kapoor, SC for TSHC [OPUC]
 5. Two CD Copies
 6. One Spare Copy

MBC
BS



HIGH COURT

DATED: 31/10/2022



ORDER

WP.No.34715 of 2022

ALLOWING THE WRIT PETITION

WITHOUT COSTS

Handwritten signature
04/11/2022