

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

WRIT PETITION No.34715 OF 2022

Date:31.10.2022

Between:

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

.....Petitioner

And

High Court for the State of Telangana,
Hyderabad, rep., by its Registrar (Recruitment) & others.

.....Respondents

The Court made the following:

**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.

P.NAVEEN RAO,J

J.SREENIVAS RAO, J

31st October, 2022
Rds