

THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 5320 of 1997

Dated 31.01.2007

Between:

Kesipeddy Venkat Raju ..
Petitioner

— And _____

The Chairman & Managing Director,
M/s. The Singareni Collieries Company
Limited, Red Hills, Khairatabad,
Hyderabad and another. ..
Respondents.

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THE HONOURABLE SRI JUSTICE C.V.RAMULU

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WRIT PETITION No. 5320 of 1997

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ORDER:

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This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the second respondent in not interviewing the petitioner for the selection of Junior Accounts Officer in M/s. Singareni Collieries Company Limited, Kothagudem, held on 03.03.1997 after qualifying in the written examination held on 02.03.1997 even without assigning any reasons, as arbitrary and illegal, and consequently to direct the respondents to interview and appoint the petitioner as Junior Accounts Officer in the event of selection and pass such other orders.

It appears, the petitioner was working as a Personal Assistant to the Chief General Manager, M/s. Singareni Collieries Company Limited, Kothagudem, while so, the company called for applications from in service candidates as well as others for recruitment of Junior Accounts Officers in the company. As per the notification issued by the company, the petitioner submitted his application through proper channel, and the second respondent issued Hall Ticket with Roll No.74/00681, dated 12.02.1997. The petitioner also appeared for the written examination and having qualified in the same, he was called for interview and the name of the petitioner was included in the list of

the selected persons for the interview to be conducted on 03.03.1997. The petitioner was at serial No.18 out of the total number of 35 candidates called for oral interview. However, he was orally informed that he was not eligible for the interview. Aggrieved by the same, the present Writ Petition is filed. While admitting the Writ Petition, one post was directed to be kept unfilled until further orders.

The counter has been filed by the respondents denying the allegations made by the petitioner. It is asserted in the counter filed by the respondents that the respondent company had advertised for the post of Junior Accounts Officer on 27.04.1996, just few months prior to the circular dated 13.07.1996. It is not a case between the two dates of the earlier circular and the present circular. The petitioner acquired the qualification for Pit Office Assistant. The petitioner was the Personal Assistant even as on the date of earlier circular dated 27.04.1996. In fact, the petitioner was disqualified when he had applied as per the earlier circular dated 27.04.1996. However, the petitioner never expressed any grievance over the same. The petitioner by mentioning his designation as 'P.A.' in an abbreviated form without mentioning it in detail that he is the 'Personal Assistant', got an opportunity to sit for the test, though he was not otherwise qualified. Had he mentioned as 'Personal Assistant' under the heading 'designation', he would not have been allowed, but as the petitioner mentioned as 'P.A.', by mistake, it was being read as 'P.O.A.' by the interviewing committee, and he was

allowed to sit for the test, for which, he was not otherwise qualified. It was only a mistake on the part of the interviewing committee in calling the petitioner.

In view of the above, it is clear that the petitioner was not qualified even to apply for the said post. Therefore, the contention of the petitioner that he passed the written test, therefore, he should have been interviewed by the selection committee on 03.03.1997, and not interviewing him is arbitrary and illegal, is not correct. Further, the petitioner said that it is a universally accepted abbreviation and every one knows that 'P.A.' is 'Personal Assistant', and even his present grade as P.A. in Tech. 'A' and basic pay as Rs.4,100/- per month, would speak that he is only a Personal Assistant, but not 'POA'. Therefore, having accepted examination and thereafter refusing to interview him, was only a mistake on the part of the interviewing authority. In this case, admittedly, it is a the application of the petitioner and permitting him to sit for the mistake and the petitioner never asserted that he is fully qualified for the post of Junior Accounts Officer as per the notification.

For the aforesaid reasons, the Writ Petition is devoid of merits and liable to be dismissed. Accordingly, the Writ Petition is dismissed. No order as to costs. However, promotion or appointment of the petitioner as a Junior Accounts Officer in the meanwhile shall not have any bearing in view of dismissal of this Writ Petition.

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31.01.2007

VV

(C.V.RAMULU,J)