

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

WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 10875 OF 2021

Between:

Sri Rolla Shivaprasad Reddy, S/o R.Rajender Reddy, Age 24 years, Occ: unemployed, H.No. 14-86, Husnabad Village, Husnabad Mandal, Siddipet District- 505467.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Energy Department, Secretariat, Hyderabad.
2. Southern Power Distribution Company of Telangana Limited, Rep. by its Chairman and Managing Director(CMD), 6-1-50, Corporate Office, Mint Compound, Hyderabad- 500063.
3. The HR Director, TSSPDCL, Hyderabad.
4. The Superintending Engineer(S.E.), Electrical/OP Circle/TSSPDCL, Siddipet.
5. The Divisional Engineer, Electrical Operations, TSSPDCL, Husnabad.
6. The Junior Accounts Officer(JAO), ADM, Siddipet Circle Office, TSSPDCL.

...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 a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of respondents in not considering the representations dated 09-10-2020, 08-09-2020, 08-10-2020 and 02-01- 2021 given by the petitioner for selection to the post of Junior Lineman against vacancies in Notification No.1/2019 dated 28-09-2019 under the reserved category of BC(D) as illegal, void, arbitrary, and against principles of natural justice and violative of Art. 14 and 15 of the Constitution of India and consequently direct the respondents to consider the representations dated 09-10-2020, 08-09-2020, 08-10-2020 and 02-01-2021 given by the petitioner for selection to the post of Junior Lineman against vacancies in Notification No.1/2019 under the reserved category of BC(D) the selection for the post of Junior Lineman against the vacancies in Notification No.1/2019.

(Prayer is amended as per Court Order, dated 30.06.2021 in I.A.No.2 of 2021.)

I.A NO: 1 OF 2021

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 the Respondent No.2 to 4 to consider petitioner's representations dated 09-10-2020 and 08-09-2020 pending disposal of the writ petition.

Counsel for the Petitioner: SRI. A. SATYASIRI

Counsel for the Respondent No.1: GP FOR ENERGY

Counsel for the Respondent Nos.2 to 6: SRI R. VINOD REDDY, SC FOR TSSPDCL

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10875 of 2021

ORDER:

This writ petition is being disposed of at the stage of admission with the consent of both parties.

This writ petition is filed seeking the following relief:

“...to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of respondents in not considering the representations dated 09.10.2020, 08.09.2020, 08.10.2020 and 02.01.2021 given by the petitioner for selection to the post of Junior Lineman against vacancies in Notification No.1/2019 dated 28.09.2019 under the reserved category of BC(D) as illegal, void, arbitrary, against principles of natural justice and violative of Art.14 and 15 of the Constitution of India and consequently direct the respondents to consider the representations dated 09.10.2020, 08.09.2020, 08.10.2020 and 02.01.2021 given by the petitioner for selection to the post of Junior Lineman against vacancies in Notification No.1/2019 under the reserved category of BC(D) the selection for the post of Junior Lineman against the vacancies in Notification No.1/2019 and pass such other order and orders as deemed fit and proper in the circumstances of the case.”

Heard learned counsel for the parties.

It has been contended by the petitioner that he is fully eligible and qualified to be appointed to the post of Junior Lineman and the respondents have issued recruitment notification on 28.09.2019 for filling up the posts of Junior Lineman. The petitioner has responded to

the said notification and has faired decently well in the selection process. The petitioner has stated that he is a member belonging to BC-D community and accordingly, he has applied to the said post. The petitioner stated that in the written test, he has secured '35' marks, which was specified as cut off marks for BC-D. The grievance of the petitioner is that though he belongs to BC-D and secured minimum cut off marks specified for BC-D, the respondents have not considered his case under BC-D category, but considered his case under OC category and rejected his case. Counsel for the petitioner has contended that minimum cut off marks for OC category is '40' and if the respondents have considered the case of the petitioner under BC-D category, the petitioner would have got appointment. In those set of circumstances, the petitioner has submitted a detailed representation to the respondents on 09.10.2020, but the respondents have not passed any orders on the said representation.

Therefore, counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 09.10.2020 and pass appropriate orders in accordance with law.

Standing Counsel appearing for the respondents had contended that the petitioner, having participated in the pole climbing test, after verification of certificates, was claiming that he belongs to BC-D category. Therefore, the respondents have rightly rejected the case of the petitioner for appointment to the post of Junior Lineman. However, Standing Counsel contended that since the petitioner's

representation is pending with the respondents, the respondents would consider the same and pass appropriate orders.

This Court, having considered the rival submissions made by learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 09.10.2020 and pass appropriate orders in accordance with law, within a reasonable period of time, preferably within eight weeks from the date of receipt of a copy of this order.

With the above directions, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

SD/- I.NAGALAKSHMI
ASSISTANT REGISTRAR
//TRUE COPY//
SECTION OFFICER

To,

1. The Principal Secretary, Energy Department, State of Telangana, Secretariat, Hyderabad.
2. The Chairman and Managing Director(CMD), Southern Power Distribution Company of Telangana Limited, 6-1-50, Corporate Office, Mint Compound, Hyderabad- 500063.
3. The HR Director, TSSPDCL, Hyderabad.
4. The Superintending Engineer(S.E.), Electrical/OP Circle/TSSPDCL, Siddipet.
5. The Divisional Engineer, Electrical Operations, TSSPDCL, Husnabad.
6. The Junior Accounts Officer(JAO), ADM, Siddipet Circle Office, TSSPDCL.
7. One CC to Sri A. Satyashri, Advocate [OPUC]
8. Two CCs to GP for Energy, High Court for the State of Telangana at Hyderabad. [OUT]
9. One CC to Sri R. Vinod Reddy, SC FOR TSSPDCL [OPUC]
10. Two CD Copies
11. One Spare Copy

CHR



HIGH COURT

DATED:30/06/2021

ORDER

W.P.No.10875 of 2021



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(13) VV
13/7/21