

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

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 27400 OF 2021

Between:

Major Shiva Kiran, S/o. G.S. Kumar, Age.55 years, Ex-servicemen, House No. 6-3-1216/50, F-1, Nest Apartments, Methodist Colony, Begumpet, Hyderabad - 500016.

...PETITIONER(S)

AND

1. Union of India, Rep., by its Secretary, Ministry of Science and Technology, Department of Science and Technology, Technology Bhawan, New Mehrauli Road, New Delhi - 110016.
2. Union Public Service Commission, Rep., by its Secretary, Dholpur House, Shahjahan Road, New Delhi - 110069.

...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 appropriate Writ, Direction or Order, particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.1 in not considering the candidature of the Petitioner as illegal, arbitrary and violative of principles of natural justice and consequently direct the Respondents to expeditiously complete the selection process for the post of Director, NATMO and appoint the Petitioner.

IA 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 Respondents herein to forthwith complete the selection process for the post of Director, NATMO by considering the candidature of the Petitioner herein pending disposal of the Writ Petition.

Counsel for the Petitioner :SRI. KOWTURU PAVAN KUMAR

Counsel for the Respondents No. 1 to 2 : B JITHENDER (SC FOR CENTRAL GOVT. COUNSEL)

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.27400 of 2021

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the 1st respondent in not considering the candidature of the petitioner as illegal and arbitrary and consequently direct the respondents to expeditiously complete the selection process for the post of Director, National Atlas and Thematic Mapping Organization (NATMO) and appoint the petitioner as Director, NATMO.

2. Heard Sri Kowturu Pavan Kumar, learned counsel for the petitioner and Sri B.Jithender, learned Standing Counsel for Central Government, appearing for the respondents.

3. It has been contended by the petitioner that he is fully eligible and qualified to be appointed to the post of Director in NATMO and the respondents have issued notification for filling up the post of Director on 21-12-2020 and petitioner has responded to the said notification. The grievance of the petitioner is that though the petitioner fulfils the eligibility criteria, the respondents have not considered his case for appointment to the post of Director, NATMO. Challenging the same, the present Writ Petition is filed.

4. Learned counsel for the petitioner has contended that a perusal of the eligibility criteria discloses that one must possess

Master Degree from a recognized university and that the petitioner is having recognized qualification and in spite of the same, the respondents have not considered the case of the petitioner for the post of Director, NATMO.

5. Learned Standing Counsel for the respondents, on instructions, has submitted that the petitioner is not fulfilling the eligibility criteria as specified in the notification. The eligibility criteria categorically states that one must hold the analogous post on regular basis in the parent cadre or department. Admittedly, the petitioner is not holding any regular post. The case of the petitioner was considered, but however, since the petitioner was not coming within the zone of consideration, the case of the petitioner was not considered for appointment. Therefore, there are no merits and that the Writ Petition is liable to be dismissed.

6. Having regard to the rival submissions made by the parties, this Court is of the considered view that the petitioner is not fulfilling the eligibility criteria as specified in the notification issued by the respondents. Hence, the respondents have rightly not considered the case of the petitioner for appointment to the post of Director, NATMO.

7. Therefore, there are no merits in the Writ Petition and the same is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. No costs.

9. As a sequel, the miscellaneous petitions pending, if any,
shall stand closed.

//TRUE COPY//

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR
610
SECTION OFFICER

To,

1. One CC to SR. KOWTURU PAVAN KUMAR Advocate [OPUC]
2. One CC to SRI B JITHENDER (SC FOR CENTRAL GOVT. COUNSEL) [OPUC]
3. Two CD Copies
4. One spare Copy

MMA
BS



HIGH COURT

DATED:30/11/2021

ORDER

WP.No.27400 of 2021



DISMISSING THE WRIT PETITION
WITHOUT COSTS

21/12/2021 (5)