

THE HON'BLE SRI JUSTICE A.V.SESHA SAI
AND
THE HON'BLE SRI JUSTICE VUTUKURU SRINIVAS

WRIT PETITION No. 24621 OF 2012

ORDER: (per Hon'ble Sri Justice A.V.Sesha Sai)

Respondents in O.A.No.1615 of 2011 on the file of the Andhra Pradesh Administrative Tribunal (hereinafter called as the 'Tribunal') are the petitioners in the present Writ Petition, filed under Article 226 of the Constitution of India.

2. Challenge in the present writ petition is to the order dated 24.02.2012 passed in the aforesaid Original Application.

3. Respondent herein is a Post Graduate in Business Administration and belongs to Dudeekula Community, which falls under BC-B category. Petitioner No.1 herein issued a Notification on 30.12.2008 for recruitment of Police Constables (AR) Civil and APSP. Applicant/respondent herein in response to the said Notification applied for Civil Stipendiary Cadet Training Police Constable (Civil). It is stated that three candidates, who got selection under BC-B category secured 96, 97 and 101 marks, whereas, the applicant/respondent secured 109 marks. When

the applicant/respondent submitted a representation to petitioner No.1, petitioner No.1 issued a Memorandum bearing Rc.No.124/R&T/Admn.2/2011, dated 21.02.2011, turning down the request of the respondent herein. The material available on record discloses that instead of submitting Non-Creamy-Layer Certificate in Annexure-VII, respondent/applicant submitted the same in Annexure-XI.

4. It is submitted by the learned Government Pleader for Services-I that as per the instructions, one who claims that he does not belong to creamy layer would have to submit certificate in Annexure-VII and instead the respondent/applicant submitted the certificate in Annexure-XI.

5. The Tribunal, by way of the order impugned in the writ petition, declined to accept the case of the authorities. The submission of non-creamy layer certificate in Annexure-XI is not in dispute and in fact, as per the pleadings in paragraph No.7 of the writ affidavit the certificate in Annexure-XI was enclosed by the respondent.

6. A perusal of the order passed by the Tribunal discloses in clear and unequivocal terms that the Tribunal examined the contents of both Annexures-VII and XI and recorded a finding that practically there is no variation in the contents of the said certificates, except the annexure numbers. There is no dispute with regard to the reality that the respondent/applicant secured more number of marks than the candidates, who got selection in BC-B non creamy layer category. As rightly observed by the Tribunal, the objection raised by the authorities is hypothetical, when the fact remains that when the certificate is available on record, the respondents are not justified in denying the appointment to the respondent/applicant. It is further clear from the order of the Tribunal that for objection of respondents as regards column No.6 of the application, the Tribunal also turned down the contentions of the respondent-authorities by assigning cogent and convincing reasons. Since this Court does not find any jurisdictional error or patent perversity in the order passed by the Tribunal, this Court is not inclined to meddle with the same.

7. For the aforesaid reasons, the Writ Petition is dismissed. However, having regard to the submissions of the learned Government Pleader, three (3) months is granted for implementation of the orders of the Tribunal. There shall be no order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

A.V. SESA SAI, J

VUTUKURU SRINIVAS, J

Date: 15.09.2022
krs/pab

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