

HIGH COURT FOR THE STATE OF TELANGANA

WRIT PETITION NO.29760 OF 2017

Between :

P.Anjaneyulu, s/o. Laxmaiah,
Aged about 37 years, working as H.G. 93,
Rural P.S. nalgonda, Nalgonda District.

...Petitioner

and

The State of Telangana,
Rep.by its Principal Secretary,
Home Department, Secretariat Buildings,
Secretariat, Hyderabad and another.

.... Respondents

DATE OF JUDGMENT PRONOUNCED : 17.11.2023

HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

1. Whether Reporters of Local Newspapers : No
may be allowed to see the Judgments ?
2. Whether the copies of judgment may be : **Yes**
marked to Law Reporters/Journals
3. Whether Their Lordship wish to : No
see the fair copy of the Judgment ?

***HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY**

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.... Respondents

!Counsel for the Petitioner : Sri Y.Prakash

Counsel for the Respondents : Govt.Pleader for Home for
respondent no.1;
Govt.Pleader for Services-I for
respondent no.2

<Gist :

>Head Note:

? Cases referred:

AIR 2016 SC 1098; MANU/BH/0901/2019; (2020) 3 SCC 108

HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY**WRIT PETITION NO.29760 OF 2017****ORDER:**

The petitioner filed the present writ petition praying to grant the following relief:

“... to declare the action of the respondents in not selecting the petitioner herein for the post of SCT (Police Constable (TSSP) or other category under the local category in the Police Department of Nalgonda district, pursuant to the notification vide Rc.No.151/Rect./Admn.1/2015 and selecting the candidates who got lesser marks than the petitioner herein in the said category is highly illegal, arbitrary and unjustified, with a direction to the respondents to appoint the petitioner herein for the post of Stipendiary Cadet Trainee (SCT) Police constable (TSSP) or other category under the local category in the Police Department of Nalgonda district, pursuant to the notification vide Rc.No.151/Rect./Admn.1/2015 as they got higher marks than the selected candidates.... ”

2. The brief facts leading to filing the present writ petition are as under:

2.1. The 2nd respondent-Board had issued notification vide Rc.No.151/Rect./Admn.1/2015, dated 31.12.2015, inviting applications from the eligible candidates for recruitment to the following posts.

Sl. No.	Post code No.	Name of the post	No. of vacancies
1	21	Stipendiary Cadet Trainee (SCT) Police Constable (Civil) (Men & Women) in Police Department	1810
2	22	Stipendiary Cadet Trainee (SCT) Police Constable (AR) (Men & Women) in Police Department	2760
3	23	Stipendiary Cadet Trainee (SCT) Police Constable (SAR CPL) (Men) in Police Department	56
4	24	Stipendiary Cadet Trainee (SCT) Police Constable (TSSP) (Men) in Police Department	4065
5	25	Constable (Men) in Special Protection Force (SPF) Department	174
6	26	Firemen in Telangana State Disaster Response & Fire Services Department	416

2.2. As per Clause-6(ii) of the notification, 5% reservation was provided to the Home Guards (HG) under Special Representation (Reservation).

2.3. Pursuant to the notification vide Rc.No.151/Rect./Admn.1/2015, dated 31.12.2015, petitioner applied for the posts of Stipendiary Cadet Trainee (SCT) Police Constable (Civil) (Men & Women) in the Police Department (Post Code No.21) and Stipendiary Cadet Trainee (SCT) Police Constable (Post Code No.22), TSSP Code No.24 in Nalgonda District as the petitioner is local to said district. Petitioner belongs to BC-A community and working as Home Guard since several years. Therefore, petitioner claimed special category under Home Guard quota.

2.4. The petitioner has passed preliminary written test, physical measurement test and physical efficient test (PET) and secured 73

marks, 85 marks and 80 marks in Post Code no.21 (civil), Post Code No.22 (AR) and Post Code No.24, respectively. The respondents have fixed the cut-off mark as 79.25 in Nalgonda post the post of 12th Bn.TSSP (Post Code Nos.23, 24, 25) for the BC-A category. Petitioner contended that respondents have not followed the rule of reservation applicable to the Home Guard quota. Further, they have appointed the candidates for the post of TSSP (Post code No.24) under local quota, who got lesser marks than the petitioner. Petitioner studied in Nalgonda district and relevant certificate to show that the petitioner is a local of Nalgonda district was enclosed, but the respondents have treated him as non-local. Though petitioner submitted representation to the respondents ventilating his grievances, they did not consider the same.

3. Respondent No.2 filed counter stating that the Chairman, TSLPRB had issued notification vide Rc.No.151/Rect/Admn.1/2015, dated 31.12.2015 inviting applications from the eligible candidates for filling up of various posts. In response to the said notification, petitioner participated in the recruitment process vide Registration No.455879 and secured 73 marks for the post of SCT PC (Civil)/ Firemen, 85 marks for the post of SCT PC (AR) and 80 marks for the post of SCT PC (SAR/TSSP/SPF). Petitioner belongs to BC-A community and claimed to be Home Guard as special category. Petitioner submitted residence certificate dated 26.06.2016 issued by

the Tahsildar, Nalgonda Mandal, during the recruitment process, in support of his claim that he is a local candidate, wherein it was mentioned that petitioner is residing in Nalgonda district since last seven years. In the online application, he did not mention school details of 4th class to 10th class and furnished residence detail. He appeared SCC as a private candidate in March, 2022. The 2nd respondent referred to Presidential Order, as per which, the definition of local candidate is as follows:-

“(i) “Local candidate” means a candidate for direct recruitment to any post in relation to that local area where he/she has studied in Educational Institution(s) for not less than four consecutive academic years prior to and including the year in which he/she appeared for SSC or its equivalent examination. If however, he/she has not studied in any educational institution during the above four years period, it is enough if he/she has resided in that area which is claimed as his/her local area during the above said period.

(ii)

(iii)

(iv)

3.1. That since petitioner did not submit residence certificate for four years period prior to 2002 i.e., the year in which he appeared SCC, he was treated as non-local. The petitioner secured less marks than the cut-off marks for all the notified posts as non-local candidate. That no candidate with lesser marks than the petitioner was selected either under 20% unreserved posts or under open

competition. It is further contended that petitioner did not mention school details in the Online application and has only mentioned the residence details. The 2nd respondent referred to notification dated 31.12.2015 by the Board, wherein it is mentioned that the Telangana State Level Police (TSLPRB) is not responsible for any discrepancy in the application particulars while submitting the form through online.

3.2. The claim of the candidates with regard to the age, date of birth, educational qualifications, community etc., are accepted only provisionally on the information furnished by them in their application forms and certificates produced subject to verification and satisfaction of the Board.

3.3. The provisional selection list of SCT PCs (Civil/etc.) was issued on 16.02.2017 and after issuance of provisional selection list and filling up all the notified posts, petitioner submitted representation dated 21.02.2017 to the Chairman, Telangans State Level Police Recruitment Board duly enclosing copy of residence certificate issued on 06.02.2017 by the Tahsildar, Nalgonda Mandal for 20 years residence period. Petitioner has also preferred challenge representation dated 27.02.2017 and the same examined, considered and rejected vide Memo, dated 21.04.2017 by the authority.

3.4. It is further stated that in a time bound process of recruitment, if petitions based on vague/equivocal/debatable matters are litigated

during/after the process of recruitment, it virtually becomes impossible to decisively come to a conclusion on the merit list as the same has potential to complicate and jeopardize the entire selection process. In the present case, the entire process has been completed and if litigation is allowed on issues settled transparently by laid down procedure, then the whole process gets unsettled and it becomes virtually impossible to complete the recruitment.

4. Heard learned counsel Sri Y.Prakash for the petitioner and the learned Government Pleader for Home for respondent no.1 and learned counsel Government Pleader Sri M.V.Rama Rao for Services-I for the respondent no.2.

5. During the course of hearing, learned counsel for the petitioner submitted that petitioner was appointed as Home Guard as local candidate and has been working in the Department for several years. However, petitioner was not considered as local candidate, thereby depriving his right to selection to SCT Police Constable. He further contended that petitioner studied in a private schools and completed 10th class as a private candidate, therefore, he did not have school certificates and thus, he could not produce the same along with the application. Learned counsel for petitioner further submitted that petitioner is a local candidate in terms of the Presidential Order and has referred to definition of local candidate as mentioned in clause (i)

of Presidential Order as per which, “if he/she has not studied in any educational institution during the above four years period, it is enough if he/she has resided in that area, which is claimed as his/her local area during the said period.”

6. According to the learned counsel for petitioner, since the petitioner studied in a private school, he did not have educational certificates to show that he studied in any educational institution. However, he is claiming local candidate on the ground that he is residing in local area, for which he produced residential certificate issued by the Tahsildar dated 06.02.2017, in which it was stated that he is residing in local area for the past 20 years. He further contended that despite the same, the respondents did not consider the case of the petitioner.

7. Learned counsel for petitioner further submitted that as the certificate were not available, he could not enclose the same along with the application, however, he could obtain residential certificate subsequently and therefore, he submitted representation to the 2nd respondent on 21.02.2017 along with residential certificate issued on 06.02.2017 issued by the Tahsildar, Nalgonda Mandal. But, the respondents did not consider the representation as well as residential certificate issued by the Tahsildar and thereby, deprived the petitioner from appointment for the post of SCT Police Constable

pursuant to the notification dated 31.12.2015 issued by the 2nd respondent.

8. Learned counsel for petitioner had relied upon the following decisions:

(i) **Ram Kumar Gijroya vs. Delhi Subordinate Services Selection Board and others**¹; and

(ii) **Shashi Bhushan Yadav vs. The State of Bihar and others**²

9. *Per contra*, learned Government Pleader for respondents submitted that petitioner was supposed to submit the requisite certificates in proof of claim of local candidate at the time of verification of certificates, which took place on 29.07.2016, which admittedly petitioner did not submit. Further, the petitioner did not provide details of his educational qualifications as well as residence in the application submitted by him pursuant to the notification dated 31.12.2005. Since petitioner failed to submit the documents in proof of claim of local candidate either at the time of submitting application or on the date of verification of certificates, petitioner was treated as non-local candidate. The cut-off marks for the non-local candidate for the post code Nos.21, 22, and 24 are 134, 110.50 and 98.50 respectively, whereas, the petitioner had secured marks 73, 85

¹ AIR 2016 SC 1098

² MANU/BH/0901/2019

and 80 respectively, therefore, petitioner was not considered for the above posts.

10. The learned Government Pleader for respondents had relied upon the decision of Hon'ble Apex Court in **Karnataka State Seeds Development Corporation Limited and another vs. H.L.Kaveri and others**³.

Consideration:

11. From the facts and material placed on record, it can be culled out that petitioner did not mention the educational details in the application submitted by him. It is also not in dispute that petitioner did not have any certificate/document evidencing his study in local area. The provisional selection list of SCT PC (Civil/etc) was issued on 16.02.2017. Further, the petitioner submitted residence certificate much after the date of verification of documents and even the representation dated 21.02.2017 was submitted after issuance of provisional selection list as well as filling up all the notified posts.

12. It is relevant to refer to the contentions of the respondents that in a time bound process of recruitment, if petitions based on vague/ equivocal/ debatable matters are litigated during/after the process of recruitment, it virtually becomes impossible to decisively come to a conclusion on the merit list as the same has potential to complicate

³ (2020) 3 SCC 108

and jeopardize the entire selection process which has already been completed by the respondents Board. That if litigation is allowed on issues settled transparently by laid down procedure, then the whole process gets unsettled and it becomes virtually impossible to complete the recruitment.

13. In the considered opinion of this Court, the petitioner approached the 2nd respondent at a belated stage after completion of entire selection process as well as issuance of provisional selection list. Admittedly, the entire process has been completed and the successful candidates have been appointed long back. Therefore, at this stage, the case of the petitioner cannot be considered and further, the selected candidates cannot now be unsettled/disturbed after appointment at this belated stage.

14. In **Ram Kumar Gijroya** (supra) referred to by the learned counsel for petitioner, the issue involved is whether the candidate who appears in an examination under the OBC category and submits the certificate after the last date mentioned in the advertisement is eligible to the post under the OBC category or not. Whereas, in the present case, non-submission of requisite documents to prove that petitioner is a local candidate for selection. In the present case, petitioner did not produce the requisite documents either along with the application or at the time of verification of

certificates and submitted the documents only after issuance of provisional select list. Thus, the facts of the above case are different and same has no application.

15. In **Shashi Bhushan Yadav** (supra), the requisite certificate was submitted much prior to the conclusion of selection, whereas, in the present case, admittedly the residence certificate was submitted after completion of selection process and also after the filling up of all the posts. Therefore, the decisions relied upon by the learned counsel for petitioner are not applicable to the facts of the present case and do not come to the aid of the petitioner.

16. On the contrary, the Hon'ble Apex Court in **H.L.Kaveri** (supra) had held that 'in the given circumstances, we do not find any error being committed by the Corporation in its decision-making process while rejecting the application of the first respondent for non-fulfillment of the necessary experience certificate which was to be enclosed along with the application as required in terms of the advertisement dated 11.11.2013.

17. The facts of the above case and the present case are similar and applicable to the present case. Admittedly, petitioner failed to produce required documents at appropriate time for treating the petitioner as local candidate and therefore, the respondent no.2 treated the petitioner as non-local candidate. Therefore, this Court do

not find any irregularity on the part of the 2nd respondent in treating the petitioner as non-local candidate.

Conclusion:

18. In considered opinion of this Court, there are no merits in the writ petition and further, there is delay, laches on the part of petitioner and thus, the Writ Petition fails and is accordingly dismissed. There shall be no order as to costs.

19. Pending miscellaneous petitions if any shall stand closed.

LAXMI NARAYANA ALISHETTY,J

Date: 17.11.2023

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HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

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