

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

WEDNESDAY, THE EIGHTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO**

WRIT PETITION NO: 32752 OF 2016

Between:

P.Michael Raj, S/o P.Anthony, Aged 25 years (D.O.B 18/04/1991),
Occupation Student, Resident of H/No.6-3 (JSF-1, F-315), Gandhi Colony,
Behind YWCA, Secunderabad, Hyd-03, T.S

...PETITIONER

AND

1. The Chairman, State Level Police Recruitment Board, O/o The Director General of Police, Lakdi-ka-pool, Police Head Quarters, Hyderabad, T.S, 500 004.
2. The State of Telangana, Rep. by Principal Secretary, Home Dept., Secretariat, Hyderabad, T.S 500022.
3. The State of Telangana, Rep. by Principal Secretary GAD, Secretariat, Hyderabad, T.S 500022.
4. The Union of India, Home Secretary, North Block New Delhi.
5. The IGP-Cum-State Welfare Officer, Welfare And Rehabilitation Board, CISF, NISA, Hakimpet-P.O, Ranga Reddy-Dist., Hyderabad, T.S-500 078.
6. The Central Welfare Officer, IGP (Adm), WARB, Dte. General, CRPF, Block-I, CGO-Complex, Lodhi Road, New Delhi-03.
7. MRO/Tahsildar, Secunderabad Mandal, Minister Road, Secunderabad, Hyderabad, T.S.

...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 order or orders or direction or writ more particularly in the nature of mandamus directing the respondents to consider the candidature of the

petitioner herein as local of Hyderabad District and allow him to participate in the further selection process in pursuance of the notification No.Rc.No.151/Rect./Admn.1/2015 dated 31-12-2015 (for Constables) and Rc.No.01 /Rect./Admn.1/2016 dated 06-02-2016 (for Sub Inspector of Police) by allowing the petitioner to write the final written examination and to declare the action of the respondents in not allowing the petitioner as a local to the Hyderabad Distt. and Telangana State as per merit without following the rules, illegal, arbitrary and unconstitutional and violation of the fundamental rights as guaranteed under the Article-14, 16 and 21 of constitution of India and contrary law laid down by the Hon'ble High Court in AnumulaShravani case in W.P No.29133 of 2016, order dated 30/08/2016.

I.A. NO: 1 OF 2016(WPMP. NO: 40531 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to allow the petitioner to write the final written examination which is scheduled to be held on 23/10/2016, and to participate in the further selection process or not to take any further steps in pursuance of the notification No.No.Rc.No.151/Rect./Admn.1/2015 dated, 31-12-2015 (for Constables) and Rc.No.01 /Rect./Admn.1/2016 dated 06-02-2016 (for Sub Inspector of Police)

I.A. NO: 1 OF 2017(WPMP. NO: 19721 OF 2017)

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 permit petitioner to participate in the further selection process in pursuance of

the notification No. RC.151/Rect./Admn.1/2015 dated 31/12/2015 as a local native of Hyderabad district by declaring the result of the petitioner.

IA NO: 1 OF 2018

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 to declare the result of the petitioner pursuant to the final written exam held on 23.10.2016 in pursuance of the Notification No. Rc.No. 151/Rect/Admn.1/2015, dated 31.12.2015 (For Constables), henceforth, pending disposal of the above Writ Petition.

IA NO: 1 OF 2019

Between:

The Chairman, State Level Police Recruitment Board, O/o The Director General of Police, Lakdi-ka-pool, Police Head Quarters, Hyderabad, T.S, 500 004.

...PETITIONER/R.1

AND

1. P.Michael Raj, S/o P.Anthony, Aged 25 years (D.O.B 18/04/1991), Occupation Student, Resident of H/No.6-3 (JSF-1, F-315), Gandhi Colony, Behind YWCA, Secunderabad, Hyd-03, T.S

...RESPONDENT/PETITIONER

2. The State of Telangana, Rep. by Principal Secretary, Home Dept., Secretariat, Hyderabad, T.S 500022.
3. The State of Telangana, Rep. by Principal Secretary GAD, Secretariat, Hyderabad, T.S 500022.
4. The Union of India, Home Secretary, North Block New Delhi.
5. The IGP-Cum-State Welfare Officer, Welfare And Rehabilitation Board, CISF, NISA, Hakimpet-P.O, Ranga Reddy-Dist., Hyderabad, T.S-500 078.
6. The Central Welfare Officer, IGP (Adm), WARB, Dte. General, CRPF, Block-I, CGO-Complex, Lodhi Road, New Delhi-03.
7. MRO/Tahsildar, Secunderabad Mandal, Minister Road, Secunderabad, Hyderabad, T.S.

...RESPONDENTS

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 permit the Petitioner/1st respondent to file a Addl. Counter Affidavit in WP No. 32752 of 2016.

Counsel for the Petitioner: SRI P.SHASHI KIRAN (NOT PRESENT)

Counsel for the Respondent No.1: SRI M.V.RAMA RAO, SC FOR TSLPRB

Counsel for the Respondent No.2: GP FOR HOME

Counsel for the Respondent No.3: GP FOR GENERAL ADMINISTRATION

Counsel for the Respondent No.7: GP FOR REVENUE

**Counsel for the Respondent No.4: SMT L.PRANATHI REDDY, REP. FOR
SRI GADI PRAVEEN KUMAR,
DEPUTY SOLICITOR GENERAL OF INDIA**

Counsel for the Respondent No's 5 & 6: ---

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.32752 of 2016

ORDER: (Per the Hon'ble Sri Justice J.Sreenivas Rao)

This writ petition is filed for the following relief:

"...to issue a Writ, Order or Direction more especially one in the nature of Writ of Mandamus directing the respondents to consider the candidature of the petitioner herein as local of Hyderabad District and allow him to participate in the further selection process in pursuance of the notification No.Rc.No.151/Rect./Admn.1/2015, dated 31.12.2015 (for Constables) and Rc.No.01/Rect./Admn.1/2016, dated 06.02.2016 (for Sub Inspector of Police) by allowing the petitioner to write the final written examination and to declare the action of the respondents in not allowing the petitioner as a local to the Hyderabad District and Telangana State as per merit without following the rules illegal arbitrary and unconstitutional and violation of the fundamental rights as guaranteed under the Articles 14, 16 and 21 of constitution of India and contrary to law laid down by the Honble High Court in Anumula Shravani's case in W.P.No.29133 of 2016, dated 30/08/2016."

2. No representation on behalf of the petitioner.
3. Heard Sri M.V.Rama Rao, learned Standing Counsel appearing on behalf of respondent No.1 and Smt L.Pranathi Reddy, learned counsel representing Sri G.Praveen Kumar, learned Deputy Solicitor General of India appearing on behalf of respondent No.4.

4. Learned Standing Counsel submits that as per Para No.7 of Presidential Order, petitioner does not come within the purview of local candidate and the petitioner is not entitled for the relief sought in the Writ Petition.

5. This Court has considered the submissions made by the learned Standing Counsel and perused of the material available on record. It is relevant to extract Para No.7 of Presidential Order, which reads as follows:

*"Para 7: **Local candidate:** (1) A candidate for direct recruitment to any post shall be regarded as a local candidate in relation to a local area.*

(a) in cases where a minimum educational qualification has been prescribed for recruitment to the post.

(i) if he has studied in an educational institution or educational institutions in such local area for a period of not less than four consecutive academic years ending with the academic year in which he appeared or, as the case may be, first appeared for the relevant qualifying examination; or

(ii) where during the whole or any part of the four consecutive academic years ending with the academic year in which he appeared or as the case may be, first appeared for the relevant qualifying examination he has not studied in any educational institution, if he has resided in that local area for a period of not less than four years immediately preceding the date of commencement of the qualifying examination in which he appeared or as the case may be, first appeared.

(b) In cases where no minimum educational qualification has been prescribed for recruitment to the post, if he has resided in that local area for a period of

not less than four years immediately preceding the date on which the post is notified for recruitment.

[(c) In cases where visually handicapped and hearing handicapped persons studied in the special schools meant for them, the native place of the parents of such visually handicapped and hearing handicapped persons)].

[(2) A candidate for direct recruitment to any post who is not regarded as a local candidate under subparagraph (1) in relation to any local area, shall-

(a) In cases where a minimum educational qualification has been prescribed for recruitment to the post-

(i) if he has studied in educational institutions in the State for a period of not less than seven consecutive academic years ending with the academic year in which he appeared or, as the case may be, first appeared for the relevant qualifying examination, be regarded as local candidate in relation to-

(1) such local area where he has studied for the maximum period out of the said period of seven years; or

(2) where the period of his study in two or more local areas are equal, such local areas where he has studied last in such equal periods;

(ii) if, during the whole or any part of the seven consecutive academic years ending with the academic year in which he appeared or, as the case may be, first appeared for the relevant qualifying examination, he has not studied in the educational institutions in any local area, but has resided in the State during the whole of the said period of seven years, be regarded as a local candidate in relation to-

(1) such local area where he has resided for a maximum period out of the said period of seven years; or

(2) where the periods of his residence in two or more local areas are equal, such local area where he has resided last in such equal periods;

(b) in cases where no minimum educational qualification has been prescribed for recruitment to the post, if he has resided in the State for a period of not less than seven years immediately preceding the date on which the post is notified for recruitment, be regarded in the date in relation to-

(i) such local area where he has resided for the maximum period out of the said period of seven years; or

(ii) where the periods of his residence is two or more local areas are equal such local area where he has resided last in such equal periods].

Explanation: For the purposes of this paragraph-

(i) 'educational institution' means a University or any educational institution recognized by the State Government, a University or other competent authority;

(ii) 'relevant qualifying examination' in relation to a post means-

(A) The examination, a pass in which is the minimum educational qualification prescribed for the post;

(B) the Matriculation examination or an examination declared by the State Government to be equivalent to the Matriculation examination;

whichever is lower;

(iii) in reckoning the consecutive academic years during which a candidate has studied, any period of interruption of his study by reason of his failure to pass any examination shall be disregarded;

[(iv) the question whether any candidate for direct recruitment to any post has resided in any local area shall be determined with reference to the places where the candidate actually resided and not with reference to the residence of his parents or other Guardian].

6. From the reading of the above para of the Presidential Order, the petitioner does not come within the purview of local candidate. Moreover, the petitioner has not

questioned Para No.7 of the Presidential Order in the Writ Petition and he has challenged notification dated 31.12.2015 issued by respondent No.2 and sought direction to treat him as local candidate of Telangana. Hence, this Court is of the considered view that unless the petitioner questions Para No.7 of the Presidential Order, he is not entitled to seek the relief sought in the Writ Petition.

7. It is also pertinent to note that pursuant to the notification dated 31.12.2015, entire selection process is completed and at this point of time, no effective relief can be granted to the petitioner. Hence, on both the grounds, the writ petition is dismissed. No costs.

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

//TRUE COPY//

SD/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to SRI P.SHASHI KIRAN, Advocate [OPUC]
2. One CC to SRI M.V.RAMA RAO, SC FOR TSLPRB [OPUC]
3. One CC to SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
4. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CCs to GP FOR GENERAL ADMINISTRATION, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

BSR
GJP

kp

HIGH COURT

DATED: 18/12/2024

ORDER

WP.No.32752 of 2016



**DISMISSING THE WRIT PETITION,
WITHOUT COSTS**

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kp
21/1/25