



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3558]

WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 3901/2013

Between:

1. CHAIRMAN, BSNL, NEW DELHI, AND 3, BHARAT SANCHAR NIGAM LIMITED, STATESMAN HOUSE, BARAKAMBA ROAD, NEW DELHI-110 001.
2. THE CHIEF GENERAL MANAGER,, A.P TELECOM, BHARAT SANCHAR NIGAM LIMITED, A.P. CIRCLE, HYDERABAD-500 001.
3. THE CHIEF GENERAL MANAGER,, TELECOM DISTRICT, BHARAT SANCHAR NIGAM LIMITED, ASSAM TELECOM CIRCLE, ULUHARI, NEAR BORA SERVICE, GUWAHATI -781 001, ASSAM STATE.
4. THE JOINT DEPUTY DIRECTOR GENERAL (DE),, BHARAT SANCHAR NIGAM LIMITED, CORPORATE OFFICE, DAK BHAVAN, SANSAD MARG, NEW DELHI-110 001.

...PETITIONER(S)

AND

1. B SUNITHA KRISHNA DIST, D/o B.D.Raju, Hindu, Aged about 34 years, R/o Gollapalli Post, Nuzuvidu Mandal, Krishna District.

...RESPONDENT

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 any writ or order or direction more particularly in the nature of Certiorari by calling the records in TA No. 16/2012 before the Central

Administrative Tribunal, Hyderabad Bench, at Hyderabad dated 22.11.2012 as contrary to law, illegal, unjust and set aside the same

IA NO: 1 OF 2013(WPMP 4859 OF 2013)

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 suspend the operation of impugned orders in TA NO. 16/2012 dated 22.11.2012, pending disposal of the above Writ petition in the interest of justice

IA NO: 1 OF 2024

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 may be pleased to set aside the order of dismissal for "want of prosecution" dated 29-07-2024 made in W.P.No.3901/2013 and pass

Counsel for the Petitioner(S):

1..

2.V SANTHISREE

Counsel for the Respondent:

1.A V S LAXMI

The Court made the following:**ORDER:** *(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)*

Challenging the legal validity of the order dated 22.11.2012 passed in T.A.No.16 of 2012 on the file of the Central Administrative Tribunal, Hyderabad Bench, whereby the Tribunal has directed to give posting to the respondent forthwith, fixing her seniority as per her rank in the selection as per communal roster, the present writ petition has been filed by the BSNL, who are the writ petitioners.

2. Heard the learned counsel for the writ petitioners and the learned counsel for the respondent.

3. Brief over view of the facts leading to the *lis* in this writ petition may be stated as follows:

The respondent is a female and she is an Engineering Graduate in Electronics and Communication Engineering. She belongs to Scheduled Caste and she is visually handicapped as she lost her vision in one eye. She applied for the post of Graduate Engineer Junior Telecom Officer pursuant to the notification issued dated 03.12.2000. She appeared for the written examination and she got merit rank of 2572. Considering the fact that she is qualified in the written examination as per merit, she was informed by letter dated 31.01.2002 that her appointment to the post of Graduate Engineer Junior Telecom Officer will follow. Thereafter, she was asked as per letter dated 01.03.2002 to submit her documents relating to her educational qualification, age and community. She has submitted the same. Thereafter, she was called to submit a surety bond of Rs.5,000/- as per letter dated 05.09.2002. She has furnished the same along with a medical certificate etc.. Thereafter, she did not receive any communication regarding her appointment. Therefore, she personally approached the Chief General Manager, Telecom Department and he informed her that the file has been sent to the office of the Joint Deputy Director General, New Delhi. As no order of appointment was given to her

even though she was selected for the post and she has complied with all the formalities, she has approached the Central Administrative Tribunal, seeking issuance of Mandamus to the respondents therein to issue order of posting to her, appointing her as the Junior Telecom Officer.

4. Counter was filed by the respondents therein. After considering the counter that was filed and after hearing both the parties, the Tribunal, by the impugned order, allowed the application of the respondent herein and directed to give posting to her as Junior Telecom Officer, fixing her seniority as per her rank in the selection as per communal roster and also held that she is entitled for emoluments from the date of joining the post.

5. Aggrieved thereby, the BSNL has filed this writ petition assailing the legality and validity of the impugned order of the Tribunal.

6. As can be seen from the counter filed by the respondents in the Tribunal and the submissions made by the learned counsel for the writ petitioners before us, even though the respondent got a merit rank in the written examination and she is qualified and eligible to be appointed as Junior Telecom Officer in the Department, they have denied the appointment to her on the sole ground that she got loss of vision in one eye. As can be seen from the notification that was issued, initially calling for the applications from the candidates to appear for the examination, no such condition was imposed in the notification stating that a person with loss of vision of one eye or with any defective eye sight is not qualified for appointment as Graduate Engineer Junior Telecom Officer. Infact, her application was accepted by the petitioners herein and she was allowed to sit for the examination and thereafter, she was called to submit her documents relating to her educational qualification, age and community etc., and surety bond was also taken from her for Rs.5,000/-. But, eventually no appointment was given to her on the ground that she got loss of vision in one eye. The said reason assigned for not giving posting to her by way of appointing her as Junior Telecom Officer cannot be

countenanced. Learned counsel for the writ petitioners did not bring to our notice any rule which imposes a bar to select her to the said post and to appoint her as Junior Telecom Officer on the ground that she got loss of vision in one eye. Infact, she did not claim for any such appointment in the reserved category of handicapped candidates. As she got merit rank, she was selected in the Open Competition in the general category. Therefore, when she did not claim for any reservation in the category of handicapped candidates and when she was selected in the open category, she cannot be denied of the appointment and posting on the ground that she got loss of vision in one eye. It is legally unsustainable. A person with loss of vision in one eye is not incapable of performing duties of Graduate Engineer Junior Telecom Officer.

7. To a pointed question, learned counsel for the writ petitioners herein also fairly conceded that there is no rule, which is placed on record, which disqualifies a person with loss of one eye to perform the duties of the Junior Telecom Officer. When that be the case, the petitioners herein are not justified in denying the appointment to the respondent herein. It is only in cases where a post like driver or any other post, where the full vision of both eyes is required and if a clear condition is imposed that a person with partial vision who cannot perform the duties of the post are not eligible to be selected for the post, then only, the decision taken to reject the candidature of the respondent can be accepted. Therefore, we absolutely do not find any legal flaw or infirmity in the impugned order of the Tribunal, warranting our interference in this writ petition.

8. In fine, the Writ Petition is dismissed, confirming the impugned order of the Tribunal. The writ petitioners shall comply with the direction of the Tribunal forthwith within a period of two (2) months from date of this order. Her seniority shall be fixed as per her rank in the selection as per communal roster. The rest of the direction given in the order of the Tribunal holds good. The respondent shall appear before the 1st petitioner, who is the appointing authority, within a

period of one (1) month from date of this order. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 03.12.2025

MDP