

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI
WRIT PETITION NO: 17755 OF 2023**

Between:

MUGDANLA ANJANEYULU, S/o.Mugdanla Yadagiri.

...Petitioner

AND

1. UNION OF INDIA, Rep. by its Principal Secretary, Ministry of Social Justice and Empowerment, Department of Empowerment of Persons With Disabilities (Divyangjan).
2. THE STATE OF TELANGANA, Rep. by its Commissioner, For the Welfare of Disabled and Senior Citizens, Vikalangula Sankshema Bhavan, Nalgonda Cross Roads, Hyderabad, Telangana State-500 036.
3. The Department for Empowerment of Persons with Disabilities, Senior Citizens and Transgender Persons, Rep. by its Director, Having its office at Vikalangula Sankshema Bhavan, Nalgonda Cross Roads, Hyderabad, Telangana State-500 036.
4. The District Collector, Hyderabad District, Telangana State.

...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 Writ, Order or Direction more particularly in the nature of **Writ of Mandamus** declaring the impugned provisional merit list of Special recruitment drive for backlog vacancy for disabled vide Notification No.A/SRD/514/2018-2019(Combined List) for the post of TELEPHONE OPERATOR under Visually Handicapped(General)(VH(G)) reserved category published by the Respondent No.4 on website pursuant to Notification dated 27.02.2019 in categorizing Writ Petitioner as NOT ELIGIBLE for the post as arbitrary, illegal, unjust and contrary to the Interim Orders dated 05.10.2021 and 07.06.2022 in W.P.No.4984 of 2021 of this Hon'ble High Court, violative of Article 14,16 and 21 of Constitution of India and consequently "SET-A-SIDE" the same by directing the Respondents to redraw the provisional merit list by evaluating and considering the case of Petitioner for appointment to the post of TELEPHONE OPERATOR under Visually Handicapped(General)(VH(G)) reserved category as per merit and eligibility.

IA NO: 1 OF 2023

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 STAY all further proceedings of selection process pursuant to impugned provisional merit list of Special recruitment drive for backlog vacancy for disabled vide Notification No.A/SRD/514/2018-2019(Combined List) for the post of TELEPHONE OPERATOR under Visually Handicapped(General)[VH(G)] reserved category published by the Respondent No.4 on website pursuant to Notification dated 27.02.2019 including issuance of appointment orders, pending disposal of WP 17755 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri SUJITH JAISWAL, Advocate for the Petitioner, Sri GADI PRAVEEN KUMAR (Dy. SOLICITOR GENERAL OF INDIA) Advocate for the Respondent No.1, GP FOR SERVICES-V, For the Respondents No.2 to 4, and the Court made the following.

ORDER

Notice before admission.

Sri Gadi Praveen Kumar, learned Deputy Solicitor General of India takes notice for respondent No.1 and waives further notice.

The learned Government Pleader for Services-V takes notice for the respondents No.2 to 4 and waives further notice.

Registry is directed not to take out notice to the respondents No.1 to 4, in view of this waiver.

The learned counsel for the petitioner submitted that the petitioner is a Visually Disabled Handicapped person and he applied for the post of Telephone Operator. The learned counsel further submitted that the petitioner could not submit the Parents Nativity Certificate and the necessity of submitting the said certificate is covered in W.P.No.4984 of 2021. This Court, vide orders dated 05.10.2021 in the said W.P. directed the respondents to consider the application of the petitioner therein and had also granted stay of all further proceedings and the Hon'ble Division Bench of this Court modified the said order by directing the respondents to conclude the proceedings. In view of the same, He is seeking a direction to the respondents to accept the application of the petitioner for issuance of said certificate.

Therefore, according to the learned counsel for the petitioner, the requirement of submitting the Parents Nativity Certificate is considered by virtue of Division Bench order of this Court. The respondents ought to have awarded marks for disability and also the Parent Nativity Certificate.

The learned counsel for the petitioner has drawn the attention of this Court to page-15 of writ material papers, which is Annexure-IX (A) Provisional merit list of Special Recruitment drive for backlog vacancy for disabled vide notification No.A/SRD/514/2018-19 mentioning the prescribed qualification, number of posts, disability percentage and other criteria.

The learned Government Pleader for Services-V seeks time to get instructions in the matter.

The learned counsel for the petitioner submitted that the respondents are likely to complete the selection process and to issue appointment orders on Monday.

In view of the above, there shall be stay of all further proceedings as far as Special Recruitment drive for backlog vacancy for disabled, vide Notification No.A/SRD/514/2018-2019 (Combined) List) for the post of Telephone Operator under Visually Handicapped (General) [VH(G)].

List the matter on 12.07.2023.

SD/ N. SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Ministry of Social Justice and Empowerment, Department of Empowerment of Persons With Disabilities (Divyangjan).
2. The Commissioner, For the Welfare of Disabled and Senior Citizens, Vikalangula Sankshema Bhavan, Nalgonda Cross Roads, Hyderabad, Telangana State-500 036.
3. The Director, Department for Empowerment of Persons with Disabilities, Senior Citizens and Transgender Persons, Having its office at Vikalangula Sankshema Bhavan, Nalgonda Cross Roads, Hyderabad, Telangana State-500 036.
4. The District Collector, Hyderabad District, Telangana State.
(Addresses 1 to 4 by RPAD)
5. One CC to Sri SUJITH JAISWAL, Advocate [OPUC]
6. One CC to Sri GADI PRAVEEN KUMAR (Dy. SOLICITOR GENERAL OF INDIA), High Court at Hyderabad. [OPUC]
7. Two CCs to GP FOR SERVICES-V, High Court at Hyderabad.[OUT]
8. One spare copy

HIGH COURT

PMD.J

DATED:07/07/2023

NOTE: LIST THE MATTER ON 12.07.2023.

ORDER

WP.No.17755 of 2023



DIRECTION