
(1998) 10 AP CK 0051

In the Andhra Pradesh High Court

Case No : Writ Petition No. 13705 of 1998

B. Aruna

APPELLANT

Vs

Managing Director, APSRTC, Musheerabad and another

RESPONDENT

Date of Decision : 20-10-1998

Acts Referred:

Citation : (1999) 2 ALD 220 : (1999) 2 ALT 102

Hon'ble Judges : V. Bhaskar Rao, J

Bench : Single Bench

Advocate : Mr. B. Vinod Kumar, for the Appellant; Mrs. A. Vyjayanthi, SC for APSRTC, for the Respondent

Judgement

1. The petitioner is one of the applicants for the post of Junior Assistant in the office of Second respondent. As per notification published in Eenadu dated 20-11-1997 since appeared for written examination held on 21-12-1997. It is her case that she qualified herself in the written examination and she was waiting for oral interview. She appears to have enquired in the office and she was informed that interviews were to be held on 25-3-1998, but they were postponed due to elections to Lok Sabha. It is also her case that she was told that intimation would be sent to her, but to her surprise she was not selected and some other candidate has been selected. Hence, she filed this writ petition for a direction to declare the action of second respondent in not interviewing her for the above post as arbitrary and illegal.

2. A counter affidavit is filed on behalf of the respondents asserting that interviews have been held after sending intimation to all the candidates who qualified themselves in the written examination and the petitioner was sent an intimation by certificate of posting and since the petitioner did not appear for the interview, she was not considered for appointment and selections have been made from among the candidates who appeared for the interview. It is also contended in the counter that the selections have been finalised before the interim order of this Court dated 13-5-1998 was passed and hence the writ

petition has become infructuous.

3. Sri Vinod Kumar, learned Counsel for the petitioner strenuously contended that in Corporations and other public sector institutions correspondence is done by registered post acknowledgment due and since no intimation was sent to the petitioner by registered post, the selection is vitiated. Smt. Vyjayanthi, on the other hand, contends that there is no practice in the Corporation to send any letter by registered post and that a letter was sent to the petitioner to the address given by her by certificate of posting and it is in accordance with the settled practice. She, therefore, contended that writ petition itself may be dismissed as infructuous.

4. I considered the contentions of both sides. There is no rule that correspondence in the public sector undertakings should be done by registered post. As rightly contended by Smt. Vyjayanthi that correspondence by certificate of posting is also a valid method of sending letters by post and that is the settled practice in the Corporation. I, therefore, fail to understand as to how he petitioner can insist that an intimation should have been sent to her by registered post acknowledgment due. In my view, there is no merit in this writ petition inasmuch as an intimation was sent to her by certificate of posting and the petitioner could not avail of the opportunity and appear for the interview. The writ petition is, therefore, fit to be dismissed.

5. Sri Vinod Kumar seeks a direction that the petitioner may be considered for a future vacancy. I am unable to agree with him as any future vacancy will have to be filled-up by regular method of recruitment viz., notification and written examination and interview etc. If the petitioner is eligible to apply as and when future vacancies are notified, it is open to her to apply and seek appointment, if she is selected in usual course. Writ petition is accordingly dismissed, but without costs.