

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

WEDNESDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT PETITION (PUBLIC INTEREST LITIGATION) NO: 89 OF 2023

Between:

Dr. J. Viplav Babu, S/o J. Radha, Age . 43 years, Occ. Social Worker, R/o. House No. 5-26/1, Village. Kyasaram, Mandal. Patancheru, District. Sangareddy ,
Telangana State.

...PETITIONER

AND

1. Union of India, Through Secretary Ministry of Home Affairs Government of India, North Block New Delhi - 110 001.
2. Director of Intelligence Bureau, North Block, New Delhi - 110 001.

...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 a Writ, Direction or an Order more particularly one in the nature of Writ of Mandamus declaring the Notification dated 25-11-2023 for Recruitment of ACIO-II/Exe. in Intelligence Bureau, Ministry of Home Affairs, GOI as illegal, arbitrary and against the interests of down-trodden communities i.e., the Scheduled Castes and Scheduled Tribes for want of DOPT O.M. No. 36011/3/84 Estt. (SCT), dated 01-07-1985 exempting candidates from Scheduled Castes and Scheduled Tribes from payment of Examination fee to any recruitment examination/selection for government job and consequently, (i) to direct the Respondents to reimburse the already paid Examination fee amount of Rs. 450/- to the candidates of Scheduled Castes and Scheduled Tribes who applied in pursuance of Notification dt. 25/11/2023 for the post of ACIO-II/Exe. in Intelligence Bureau, MHA, GOI. (ii) to direct the Respondents to issue a fresh

recruitment notification for the post of ACIO-II/Exe. with strict adherence to the DOPT O.M. No. 36011/3/84 Estt. (SCT), dated 01-07-1985 exempting candidates from Scheduled Castes and Scheduled Tribes from payment of Examination fee for any recruitment examination/selection for government job to direct the Respondents to follow the DOPT O.M. No. 36011/3/84 Estt. SCT), dated 01-07-2985 exempting candidates from Scheduled Castes and Scheduled Tribes from payment of Examination fee to any recruitment examination/selection , for all the future recruitment notifications.

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 direct the Respondents to reimburse the amount of Rs. 450/- to the candidates belonging to Scheduled Castes and Scheduled Tribes who had already paid the examination fee in pursuance of Recruitment Notification dated 25-11-2023 by Intelligence Bureau.

Counsel for the Petitioner : DR.J. VIPLAV BABU, Party in person

**Counsel for the Respondents: SRI GADI PRAVEEN KUMAR,
Dy. SOLICITOR GEN. OF INDIA**

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 (PIL) NO. 89 OF 2023

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

This writ petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit filed in support of the writ petition/PIL, the petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the Notification dated 25.11.2023 for Recruitment of ACIO-II/Exe. in Intelligence Bureau, Ministry of Home Affairs, GOI as illegal, arbitrary and against the interests of downtrodden communities i.e., the Scheduled Castes and Scheduled Tribes for want of DOPT O. M. No.36011/3/84 Estt. (SCT), dated 01.07.1985 exempting candidates from Scheduled Castes and Scheduled Tribes from payment of Examination fee to any recruitment examination/selection for government job and consequently,

- (i) to direct the Respondents to reimburse the already paid Examination fee amount of Rs.450/- to the candidates of Scheduled Castes and Scheduled Tribes who applied in pursuance of Notification dt 25/11/2023 for the post of ACIO-II/Exe. in Intelligence Bureau, MHA, GOI;
- (ii) to direct the Respondents to issue a fresh recruitment notification for the post of ACIO-II/Exe. with strict adherence to the DOPT O.M.

No. 36011/3/84 Estt. (SCT), dated 01.07.1985 exempting candidates from Scheduled Castes and Scheduled Tribes from payment of Examination fee for any recruitment examination/selection for government job;

- (iii) to direct the Respondents to follow the DOPT O.M. No. 36011/3/84 Estt. (SCT), dated 01.07.1985 exempting candidates from Scheduled Castes and Scheduled Tribes from payment of Examination fee to any recruitment examination/selection for all the future recruitment notification/s.....”

2. Heard Dr. J.Viplav Babu, party-in-person and Sri Gadi Praveen Kumar, learned Deputy Solicitor General of India appearing for the respondents.

3. **Brief facts of the case:**

3.1 The petitioner averred that he is a social worker and part-time Lecturer and he filed this public interest litigation with a *pious* cause of providing legal rights to the most vulnerable, weaker and downtrodden communities of the society, especially, Scheduled Castes and Scheduled Tribes. Intelligence Bureau, Ministry of Home Affairs, Government of India, issued Notification on 25.11.2023 inviting the applications for direct recruitment to the post of Assistant Central Intelligent Officer, Grade-II/Executive (ACIO-II/Exe) in the Intelligence Bureau, (Ministry Home Affairs), Government of India.

3.2 Petitioner further averred that Department of Personnel and Training (hereinafter referred to as 'DOPT') issued circular vide O.M.No.36011/3/84-Estt. (SCT), dated 01.07.1985, wherein it is mentioned that full exemption of fees payable by the Scheduled Castes and Scheduled Tribes candidates for admission to any recruitment examination/selection for Government jobs and the above said DOPT is in force. However, the respondent authorities have collected an amount of Rs.450/- towards examination fee pursuant to the Notification dated 25.11.2023 from Scheduled Caste and Scheduled Tribe candidates and the same is contrary to the DOPT. Hence, the respondent authorities have to refund an amount of Rs.450/- to the candidates of Scheduled Castes and Scheduled Tribes who applied pursuant to the Notification dated 25.11.2023 and sought direction to the respondent authorities to issue fresh Notification and also sought another direction to the respondent authorities to follow DOPT exempting the candidates of Scheduled Castes and Scheduled Tribes from payment of fee to any recruitment examination/selection for all the future recruitment notification/s.

4.1 Respondents filed counter affidavit denying the averments made by the petitioner *inter alia* contending that the respondent authorities have not collected any examination fee amount i.e.

Rs.100/- pursuant to the Notification dated 25.11.2023 from the candidates belonging to Scheduled Caste and Scheduled Tribe. However, pursuant to the said Notification, all the candidates have to pay an amount of Rs.450/- towards recruitment processing charges, irrespective of their category. The said amount was to be paid to M/s. EdCIL India (Ltd) as payment towards conduct of Computer Based Test (CBT)/Tier-I exam. It is further averred that respondent No.2 is not a recruiting agency like Staff Selection Commission (SSC) and Union Public Service Commission (UPSC) and after obtaining approval from respondent No.1-Government of India, engaged the services of M/s. EdCIL India (Ltd) for conducting online exams.

4.2 It is further averred that the petitioner was employee of respondent No.2 and he was dismissed from service w.e.f. 25.09.2019 due to his grave misconduct and that he has some vested interest and filed this writ petition and he is not a candidate in the recruitment pursuant to the Notification dated 25.11.2023 and he is not having any *locus standi* to file the writ petition and the same is liable to be dismissed.

5. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the Intelligence Bureau, (Ministry of Home

Affairs), Government of India issued a notification for filling 995 posts of ACIO-II/Executive was published in the Employment News dated 25.11.2023. In the said notification, examination fee is prescribed as Rs.100/- to be paid by male candidates of Unreserved (UR), Economically Weaker Section (EWS) and Other Backward Classes (OBC) categories only. As per the Government instructions in vogue, no examination fee was charged from the candidates belonging to Scheduled Castes and Scheduled Tribes categories. The said notification further reveals that all the candidates irrespective of their category have to pay an amount of Rs.450/- towards recruitment processing charges and the said amount was to be paid to M/s EdCIL India (Ltd.) as payment towards conduct of Computer Based Test (CBT) Tier-I exam. Hence the contention of the learned party-in-person that the respondent authorities have collected an amount of Rs.450/- from the Scheduled Castes and Scheduled Tribes candidates towards examination fee thereby violating legal rights conferred by DOPT dated 01.07.1985, is not tenable under law.

6. It appears from the records that pursuant to the notification dated 25.11.2023, the entire recruitment process was completed and the petitioner has not produced any iota of evidence that the Scheduled Castes and Scheduled Tribes candidates who submitted application pursuant to the notification have paid any amount towards examination fee. The petitioner has not made any

avertments in the affidavit nor furnished any particulars or denied the averments made by the respondents in their counter affidavit.

7. It is relevant to mention that the petitioner was an employee in respondent No.2 Department and he was dismissed from service on 25.09.2019 on the ground of misconduct and the said factum of dismissal from service is not mentioned in the affidavit. The petitioner had approached the Court with unclean hands by suppressing the above said fact and filed the present writ petition.

8. In **K.D. Sharma v. Steel Authority of India limited and others**¹, the Hon'ble Apex Court held that the jurisdiction of the Supreme Court under Article 32 and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the writ court must come with clean hands, put forward all the facts before the Court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the Court, his petition may be dismissed at the threshold without considering the merits of the claim. The petitioner has to approach the Court with clean hands

¹ (2008) 12 SCC 481

and the petitioner is not entitled to seek any relief much less the equitable relief as enshrined under Article 226 of the Constitution of India.

9. In **Vankadavath Hanma Nayak v. State of Telangana**², the Division Bench of this court specifically held that the petitioner, who claims to be a social worker advocating for the rights of land purchasers from respondent No.10, has not provided sufficient evidence or documentation to support his claims. The dispute primarily concerns a private agreement between the purchasers and the builder, with no public interest involved, as the plots in question are on private land. Furthermore, the petitioner has not disclosed his antecedents and also failed to demonstrate that the affected villagers lack the means to seek legal recourse themselves, nor did he present any prior representations regarding alleged encroachment of Government land. Thus, the Court found no grounds to entertain the Public Interest Litigation (PIL) and encouraged the affected allottees to pursue their legal remedies independently.

10. In the case on hand, the respondents in the counter affidavit have taken a specific stand that they have not collected any exemption fee of Rs.100/- from the candidates belonging to the

² 2023 SCC Online TS 2923

Scheduled Castes and Scheduled Tribes. The amount of Rs.450/- is collected as processing charges for holding the examination as Intelligence Bureau is not a recruiting agency and had engaged M/s.EdCIL India (Ltd) to conduct the examination in three phases. Therefore, on merits also, the grievance made by the petitioner appears to be misconceived.

11. For the foregoing reasons, this Court does not find any merit in the writ petition. The same fails and is accordingly dismissed. No costs.

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

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SD/- V. KAVITHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. One CC to SRI Dr. J. Viplav Babu, Party in person. [OPUC]
2. One CC to SRI GADI PRAVEEN KUMAR, (Deputy Solicitor General of India), High Court for the State of Telangana at Hyderabad. [OPUC]
3. Two CD Copies.

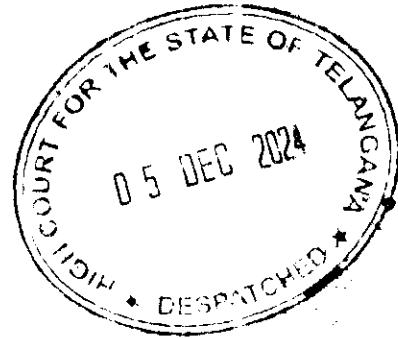
BSK

LS

K.P.

HIGH COURT

DATED:30/10/2024



ORDER

WP(PIL).No.89 of 2023

**DISMISSING THE WRIT PETITION (PIL)
WITHOUT COSTS**

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13/11/24.