

(2002) 03 AP CK 0082
In the Andhra Pradesh High Court
Case No : Writ Petition No. 4082 of 2002

C. Swarnlatha

APPELLANT

Vs

High Court of A.P., Hyd. and Another

RESPONDENT

Date of Decision : 07-03-2002

Acts Referred:

Andhra Pradesh State and Subordinate Service Rules, 1996 — Rule 8

Citation : (2002) 3 ALD 224 : (2002) 3 ALT 271

Hon'ble Judges : Ar. Lakshmanan, C.J;I. Venkatanarayana, J

Bench : Division Bench

Advocate : S. Krishna Mohan, for the Appellant; C.V. Nagarjuna Reddy, SC for High Court, for the Respondent

Final Decision : Dismissed

Judgement

Ar. Lakshmanan, C.J.

1.The petitioner who is a Section Officer working in this High Court filed this writ petition for the following relief:

To issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the notification dated 29.1.2002 to the extent of prescribing the maximum age limit as 48 years for recruitment by transfer as illegal, arbitrary and capricious and consequently direct the respondents to permit the petitioner to write the examination for the post of Junior Civil Judge pending disposal of the writ petition and pass such other order or orders as this Honourable Court may deem fit and proper in the interest of justice.

2. The High Court has prescribed upper age limit of 32 years for direct recruitment and 48 years for recruitment by transfer as on 1.7.2001. It is the case of the petitioner that even though she got one more promotion as a section officer on 1.11.2000 and though she completed the period of probation of one year, till date her probation has not been declared. It is her further-case that viewed from any angle she is eligible for recruitment by transfer as a Junior Civil

Judge.

3. In our opinion, the petitioner is not eligible for grant of any relief. Rule 8 of the A.P. State and Subordinate Service Rules, 1996 provides that for appointment to a higher post either by promotion from one category to another within a service or by appointment by transfer from one service to any other service, a member of a service or class of a service, shall have satisfactorily completed his probation in the category from which he is proposed to be promoted or appointed by transfer to such higher post. The notification dated 29.1.2002 issued by the Government of Andhra Pradesh and "the High Court of Andhra Pradesh prescribes certain qualifications for direct recruitment and recruitment by transfer. The candidates seeking recruitment by transfer must not have completed 48 years of age as on 1.7.2001. The petitioner comes under the category of recruitment by transfer. Even according to her, as could be seen from paragraph 3 of her affidavit, she is over aged by 8 months and 15 days as on 1.7.2001. Therefore, she is not eligible to apply for the post in question.

4. This apart, the vacancies earmarked for recruitment by transfer shall be filled up from among the full members and approved probationers in the categories, viz., section officers, court officers, scrutiny officers, courts masters, personal secretaries to the Hon"ble judges, etc. In the instant case the petitioner is not a full member of the service and is also not an approved probationer. Even according to her, her probation is yet to be declared. Under these circumstances the petitioner is not eligible to apply for the post of Junior Civil Judge. Hence, the writ petition is dismissed.