

(1990) 01 AP CK 0003
In the Andhra Pradesh High Court
Case No : Writ Petition No. 2615 of 1989

D. Venkata Rao and Others	Vs	APPELLANT
Principal, D.A. Government Polytechnic, Ongole and Another		RESPONDENT

Date of Decision : 16-01-1990

Acts Referred:

Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 — Section 3

Citation : (1990) 3 ALT 380 : (1990) 2 APLJ 215 : (1992) 1 LLJ 651

Hon'ble Judges : Seetharam Reddy, J

Bench : Single Bench

Judgement

1. The petitioners applied for Class IV employees posts to be appointed in the first respondent-Government Polytechnic. However, the first respondent insisted upon that the names of the petitioners will have to be sponsored by the Employment Exchange for the purpose of appointment. It is against that order a grievance is made by filing this petition seeking mandamus from his court directing the first respondent - authority to interview and appoint the petitioners without insisting upon their names being sponsored through the Employment Exchange.

2. The learned counsel for the petitioners Mrs. J. Chamanthi, relying on the provisions enacted u/s 3 of the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, contends that the Act is not applicable to the appointments to be made to do unskilled office work and, therefore, the insistence by the respondent-Polytechnic is contrary to the provisions enacted therein. I see substance in the contention. Indeed, no counter is filed. Now the learned Government Pleader very fairly submitted that a Division Bench of this court has also held that for the purpose of appointment to unskilled posts, the Employment Exchange Act is not applicable. Indeed, as against that judgment, the matter was taken to the Supreme Court where special leave also is not said to have been granted. Section 3 of the Act reads that " (1) This Act shall not apply in relation to vacancies ... (d) in any employment to do unskilled office

work". From the said provision it is quite manifest that the authority cannot insist upon the candidates being sponsored by the Employment Exchange. It is not disputed that the Government by virtue of a G.O. insisted that even for the appointment of the unskilled workers, the candidates will have to be sponsored by the Employment Exchange. That will be running counter to the Act itself and indeed a Division Bench of this court has taken the view that such insistence is not in consonance with the provisions of the Act and also struck down the same and in view of that I have no hesitation to hold that the G.O. cannot be made applicable. In the circumstances, the mandamus sought for shall go to the respondent-authority concerned directing them to interview the petitioners if they have applied for the posts of Class-IV employees to do unskilled office work without insisting upon their being sponsored by the Employment Exchange. The writ petition is accordingly allowed. No costs. Advocate's fees. Rs. 150/-