

(1999) 12 AP CK 0006

In the Andhra Pradesh High Court

Case No : Writ Petition No. 17997 of 1999

Secretary, A.P. Public Service Commission

APPELLANT

Vs

Y.V.V.R. Srinivasulu and Others

RESPONDENT

Date of Decision : 16-12-1999

Acts Referred:

Citation : (1999) 6 ALT 757

Hon'ble Judges : Ramesh Madhav Bapat, J; Elipe Dharma Rao, J

Bench : Division Bench

Advocate : V.V. Prabhakra Rao, for the Appellant; T.V.P. Prabhakar, for the Respondent

Final Decision : Dismissed

Judgement

Ramesh Madhav Bapat, J.—This writ petition is filed under Article 226 of the Constitution of India by the Andhra Pradesh Public Service Commission, Hyderabad, represented by its Secretary, praying for issuance of Writ of Certiorari to quash the orders dated 29-12-1998 passed by the Andhra Pradesh Administrative Tribunal in O.A. No. 4465 of 1997.

2. It appears from the record that the unofficial respondents, i.e., respondents 1 to 3 had filed the aforesaid O.A. before the Andhra Pradesh Administrative Tribunal seeking a direction that they should be given preference over the other candidates in different types of posts as advertised by the Andhra Pradesh Public Service Commission in its Advertisement No. 8/90, 23-7-1990 in Group-II-A services. It is further submitted by the petitioner herein that all of them are graduates with additional qualification i.e., graduation in Law and that in spite of this position they were not given preference.

3. It appears that the Tribunal heard the matter on merits. The Tribunal following the ruling of the Apex Court in Government of Andhra Pradesh v. P. Dilipkumar 1993 (1) SLR 731 after extracting the relevant paragraphs held as follows:

"In the light of the aforesaid judgment of the Apex Court, we are of the

considered view that as long as the preference clause is on the statute book in the relevant rules of the service preference has to be given to the persons who possess the additional qualification before picking up 1. 1993 (1) SLR 731. persons who have come out successful in the screening test. Considering the facts and circumstances of the case, we direct the respondents to consider the claim of the applicants in preference to the candidates who are not having additional qualification. The O.A. is disposed of accordingly."

4. In addition to the reasoning given by the Tribunal, we would like to add one more reason. While giving the advertisement in question, the Andhra Pradesh Public Service Commission itself has categorised as to how the preference should be given. For example, for the post of Assistant Commercial Tax Officer in the Andhra Pradesh Commercial Tax Subordinate Service it was stated by the petitioner-Public Service Commission that firstly, preference will be given first to a candidate who holds degree in Commerce and a degree in Law: Secondly to a candidate who holds a degree in Commerce and, thirdly to a candidate who holds a degree in Law. Therefore, the petitioner-Public Service Commission while giving advertisement clearly stated the manner in which the preference should be given to the applicants, who desire to get appointment in the said post. Under these circumstances, it will not be open for the petitioner-Public Service Commission now to say that they are not prepared to abide by their advertisement.

5. In view of the above, we find no merit in the writ petition and, therefore, it is dismissed. No costs.