

(2001) 08 AP CK 0143
In the Andhra Pradesh High Court
Case No : Writ Petition No. 17476 of 2001

T. Suresh

APPELLANT

Vs

Andhra Pradesh Administrative Tribunal and Others

RESPONDENT

Date of Decision : 24-08-2001

Acts Referred:

Citation : (2001) 08 AP CK 0143

Hon'ble Judges : S.B. Sinha, C.J;V.V.S. Rao, J

Bench : Division Bench

Advocate : Rajashekar Reddy, for the Appellant; Kesava Rao, Special GP, for the Respondent

Final Decision : Dismissed

Judgement

V.V.S. Rao, J.—The petitioner is seeking judicial review of the judgment dt. 13.8.2001 in O.A. No. 5543 of 2001 on the file of the A.P. Administrative Tribunal, Hyderabad.

2. The petitioner appeared for B.Ed., examination, the results whereof were declared on 26.7.2001. He was declared failed in one subject. He applied for revaluation and after revaluation he was issued another marks memo and he was declared passed in the examination. In the mean while, the second respondent issued a Notification dt. 15.6.2001 inviting applications for the post of Secondary Grade Teachers/School Assistants (hereinafter called "DSC-2001").

3. After receiving the provisional certificate dt. 3.8.2001 he approached the Tribunal by filing O.A. No. 5543 of 2001 praying for a declaration that the action of the respondents 2 to 4 in not permitting the petitioner to participate in the selection process of DSC-2001 is illegal and arbitrary and for a consequential direction to the respondents to accept the application of the petitioner for the post of School Assistant/Secondary Grade Teacher pursuant to the Notification dt. 15.6.2001.

4. The Tribunal dismissed the O.A. on the ground that the petitioner was declared

to have passed on 3.8.2001 and therefore he is not entitled to seek any relief.

5. We have heard the learned counsel for the petitioner and the learned Special Government Pleader Sri Kesava Rao for the respondents. The short point that arises for consideration is whether as per the Notification of DSC-2001 dt. 15.6.2001 the petitioner is entitled for participating in the selection process and whether he is entitled to seek a direction to the respondents to accept his application now after the last date for receiving applications expired ?

6. The issue needs to be addressed with reference to DSC-2001 Notification itself. As per the Notification the District Selection Committee (DSC) invited applications from the candidates for selection to the post of School Assistants, Language Pandits Grade-I, Secondary Grade Teachers, Language Pandits Grade-II etc., in Government, Zilla Parishad and Mandal Parishad Schools. All the interested candidates are required to submit their applications in the prescribed form to the Secretary of the DSC (District Educational Officer) on any day from 22.6.2001 to 27.7.2001. As per the notification for the post of School Assistants a candidate must possess Bachelor Degree and B.Ed., Degree with concerned subject as methodology subject. Likewise, for the post of Secondary Grade Teacher candidates must possess the qualification of at least Intermediate education and also possess Teacher Training Certificate. The Candidates with higher qualifications say Degree and B.Ed., are also eligible for Secondary Grade Teacher posts.

7. Admittedly the petitioner has not applied for the post of School Assistant. He has also not applied for the post of Secondary Grade Assistant for the reason that he did not possess Teacher Training Certificate. The learned counsel contends that by virtue of B.Ed., Degree for which he received provisional certificate dt.3.8.2001 the petitioner is eligible for both posts of B.Ed., Assistants and Secondary Grade Teachers. As there was mistake on the part of Kakatiya University in wrongly declaring the results, the petitioner should be allowed to appear for the examination to be held on 27.8.2001. It is however not denied that as on 27.7.2001 which is the last date for submitting applications in the prescribed form the petitioner was not qualified and he did not make any application to the third respondent.

8. The question as to reckoning the cut off date for the purpose of qualifications in the selections for public employment is no more res integra. It is well settled that in the absence of any appointed date, the last date appointed by the Notification for receiving applications shall be treated as the cut off date for reckoning the qualifications. In Bhupinderpal Singh and Others Vs. State of Punjab and Others, the apex court has laid down the law thus:

Placing reliance on the decisions of this Court in Ashok Kumar Sharma and Others Vs. Chander Shekhar and Another, , A.P. Public Service Commission, Hyderabad and Another Vs. B. Sarat Chandra and Others, , District Collector and Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagaram

and Another Vs. M. Tripura Sundari Devi, , Mrs. Rekha Chaturvedi (Smt) Vs. University of Rajasthan and Others, Dr. M.V. Nair Vs. Union of India (UOI) and Others, and U.P. Public Service Commission U.P., Allahabad and Another Vs. Alpana, the High Court has held (i) that the cut off date by reference to which the eligibility requirement must be satisfied by the candidate seeking a public employment is the date appointed by the relevant service rules and if there be no cut off date appointed by the rules then such date as may be appointed for the purpose in the advertisement calling for applications; (ii) that if there be no such date appointed then the eligibility criteria shall be applied by reference to the last date appointed by which the applications have to be received by the competent authority. The view taken by the High Court is supported by several decisions of this Court and is therefore well settled and hence cannot be found fault with.

9. In view of binding precedent, the petitioner is not entitled to any relief as he was not qualified as on the last date fixed for submitting applications by the competent authority. Further, the petitioner seeks a direction to the respondents to accept his application now when the last date for receipt of application is 27.7.2001. It is well settled that that this Court ordinarily shall not issue Mandamus which will be contrary to the rules or employment notification.

10. The Writ Petition is devoid of merits and the same is accordingly dismissed without any order as to costs.