

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 17591 OF 2015

18-06-2015

Between:

Gongala Venkata Satya Sree Rama Kumar

... Petitioner

And

State of Andhra Pradesh, rep., by Chief Secretary, General Administration (SC-F)
Department, Secretariat Building, Hyderabad-500022 and another

... Respondents

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ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties. Rule. By consent of learned counsel for the parties, writ petition is heard for final disposal forthwith.

The petitioner, who is a practicing advocate, in the instant writ petition under Article 226 of the Constitution of India seeks to challenge the action of the 1st respondent in refusing to accept his application on 02-05-2014 as illegal, unjust and arbitrary. He also prays for direction to the 1st respondent to accept his application for the post of District Judge (Entry Level) and allow him to appear for the written examination which is scheduled to be held on 28-06-2015.

An advertisement/notification was issued by the 1st respondent inviting applications for six vacancies in the cadre of District Judge (Entry Level). The preamble of the notification reads thus:

“This notification is issued for 6 vacancies in the cadre of District Judge (Entry Level) for undivided State of Andhra Pradesh. However, this notification will be deemed as notification issued in respect of recruitment of District Judge (Entry Level) for both the States of Andhra Pradesh and Telangana w.e.f 02-06-2014. The vacancies notified now will be apportioned in between the two new states as per the decision of the High Court at the appropriate time and subject to provisions of A.P. Reorganisation Act, 2014.

This notification is issued in terms of the schedule fixed by the Hon'ble Supreme Court in Civil Appeal No.1867 of 2006 dated 04-01-2007.”

The last date for making an application in the proforma was 30-04-2014 till 5.00 PM. The petitioner's application was however rejected on the ground that it was received after the last date. The petitioner has produced on record a receipt bearing No.

EN 32613873 3IN showing that he sent his application by speed post on 28-04-2014. It is not in dispute that 30-04-2014 was declared general holiday by the Election Commission under the provisions of the Representation of the People Act, on the eve of general elections for the State Legislature and the Parliament. It is also not in dispute that 01-05-2015 was also declared holiday by the State Government. As a result of these two holidays, it appears that the application sent by the petitioner by speed post was attempted to be delivered to the 1st respondent by the postman on 02-05-2014. The petitioner has produced on record the envelope showing an

endorsement dated 02-05-2014 made by the postman “refused”. These documents are not in dispute. Further, it is also not in dispute that the application ultimately reached the Government and the Government forwarded it to the High Court and it was placed before the Committee and the Committee rejected the same on the ground that it was received after the last date.

The facts which are placed before us were obviously not before the Committee when they considered the petitioner’s representation and the application, which was received after the last date. It is also apparent that the application could not be delivered on 30-04-2014, which was the last date, since it was declared holiday on the eve of election. It is not in dispute that 30-04-2014 and 01-05-2014 were holidays. Thus, having regard to the admitted factual matrix, we deem it appropriate to allow the petitioner to appear for the examination setting aside the order of rejection of his application on the ground that it was received after the last date. Hence, the Rule is made absolute in terms of the prayer made in the writ petition. The 2nd respondent is directed to take immediate steps to issue hall ticket to the petitioner and allow him to appear for the examination for the post of District Judge (Entry Level) scheduled to be held on 28-06-2015.

The Writ Petition is accordingly disposed of.

Miscellaneous petitions, if any, also stand disposed of. No order as to costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

18-06-2015

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