

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION Nos.29832 & 29844 of 2011 and 757 & 26174 of 2012

COMMON ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

In all these writ petitions, the respondent-applicants completed their schooling, from different schools in Rangareddy District. Long after they completed their schooling the schools, in which they studied in Ranga Reddy District, were brought within the territorial limits of Hyderabad District. The respondent-applicants sought appointment to various posts under DSC notification-2008. On the ground that the schools, in which they hitherto studied, were located within the territorial limits of Hyderabad District on the date of issuance of the notification, the respondent-applicants were treated as non-local candidates of Rangareddy District and were thereby denied appointment. Aggrieved thereby, the respondent-applicants invoked the jurisdiction of the Tribunal.

By the common order, under challenge herein, the Tribunal allowed the O.As. holding that all the applicants had studied from Class I to X in schools situated in Rangareddy District by the date of their study; subsequently in 2006, the Government took a decision to merge the areas, in which the said schools were situated, into Hyderabad District; as a result the schools were merged into Hyderabad District and came under the control of the District Educational Officer, Hyderabad; all the applicants had applied for posts of teachers, pursuant to the notification for DSC 2008, as local candidates of Ranga Reddy District; and their cases were not considered for selection on the ground that the schools where they studied were merged into Hyderabad District, and were now under the control of the District Educational Officer, Hyderabad, and they were non-local candidates of Rangareddy District. The Tribunal held that, by the date the applicants completed their study upto X Class, the schools they had studied in were all located in Rangareddy District; this fact was not disputed by the respondents in the O.As. (petitioners herein); merger of the schools into Hyderabad District much later, would not deprive the respondent-applicants of their status as local candidates of Rangareddy District; even if the respondent-applicants had applied as local candidates of Hyderabad District, there was every possibility that the respondents would have taken an objection stating that, by the date of their study, the schools were in Rangareddy District, and they were subsequently merged into Hyderabad District; and the

policy decision taken by the Government, to merge some of the areas of Rangareddy District into Hyderabad District later for administrative convenience, could not result in disadvantage to the applicants. The impugned proceedings, cancelling the selections of the respondent-applicants, was set aside; and the petitioners herein were directed to consider the case of the applicants in all the O.As. as locals of Rangareddy District, and to issue appropriate orders.

Learned Government Pleader for Services would draw attention of this Court to the A.P. Public Employment (Organisation of Local Cadres and Regulation of Direct Recruitment) Order, 1975 notified in G.O.Ms.No.674, dated 20.10.1975, more particularly to paragraph 6 thereof, to contend that each district is a local area for the purposes of direct recruitment; and since the schools, in which the respondent-applicants had studied, formed part of Hyderabad District on the date on which the notification for DSC 2008 was issued, they were required to be treated as local candidates of Hyderabad District, and not as local candidates of Rangareddy District.

Paragraph 6 of the Presidential Order relates to local areas and, under sub paragraph (1)(i) thereof, each district shall be regarded as a local area for direct recruitment to posts in any local cadre under the State Government comprising of all or any of the posts in any department in that district belonging to the category of a lower division clerk or to any other category equivalent to or lower than that of a lower division clerk.

Paragraph 7 of the Presidential Order relates to local candidates and, under Sub-paragraph 1(a)(i) thereof, a candidate, for direct recruitment to any post, shall be regarded as a local candidate in relation to a local area, in cases where a minimum educational qualification has been prescribed for recruitment to the posts, if he has studied in an educational institution or educational institution in such local area for a period of not less than four consecutive academic years ending with the academic year in which he appeared or, as the case may be, first appeared for the relevant qualifying examination. Under Explanation (ii) to paragraph 7 the relevant qualifying examination, in relation to a post, meant (a) the examination, a pass in which is the minimum educational qualification prescribed for the post; (b) the Matriculation examination or an examination declared by the State Government to be equivalent to the Matriculation examination; and (c) which is lower.

As the lower of the qualifications prescribed, in terms of Explanation (ii) to paragraph 7(1)(a)(i) is the tenth class examination, it is the tenth class examination which should be taken as the basis from which the four prior consecutive academic years should be counted backwards. Consequently, if a candidate has studied from Class VII

to X in an educational institution in a local area, he/she would then qualify as a local candidate for the purposes of paragraph 7 of the Presidential Order.

It is not in dispute that the schools, where the respondent-applicants herein studied from Class VII to X, were all located within the territorial limits of Rangareddy District during the period when the respondent-applicants studied thereat. Consequently, in terms of paragraph 7(1), they must be treated as local candidates of Rangareddy District. The fortuitous circumstance of a part of Rangareddy District, being later merged with Hyderabad District, cannot result in their being denied the benefit of being treated as local candidates of Rangareddy District in terms of paragraph 7(1) of the Presidential Order. We find no error in the order of the Tribunal necessitating interference in proceedings under Article 226 of the Constitution of India.

All the writ petitions fail and are, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

23rd April 2015.

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