

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

W.P.No.15969 of 2015

PC: (Per Hon'ble Sri Justice S.V.Bhatt)

Heard Sri Pulla Rao Yellanki, learned counsel for the petitioners, and Sri J.Anil Kumar, learned Standing Counsel for respondents 1 and 2.

The petitioners pray for Mandamus declaring the impugned order dated 21.05.2015 of respondent No.2 in appointing and posting respondents 3 to 55 as Office Subordinates (Attenders) in Adilabad District Unit, ignoring the petitioners who have been working as Masalchis/Part-time employees, as illegal, unconstitutional and discriminatory. The petitioners pray for a consequential direction to conduct fresh appointments by respondent No.2.

On 09.06.2015, at the request of learned counsel appearing for respondents 1 and 2, the writ petition was posted to 16.06.2015 for getting instructions and also producing the record of subject selection. The record is made available and we have perused the record.

The controversy in the writ petition is substantially narrowed down with the examination of selection record of Office Subordinates/Attenders by the 2nd respondent.

The averments relevant for the disposal of the writ petition are that the petitioners are working as Masalchis from 09.07.2002 and 29.06.2006 respectively in the unit of 2nd respondent. On 12.11.2014, the 2nd respondent issued Notification Dis.No.6980/2015/Admn dated 12.11.2014 calling for applications from the eligible candidates to fill up 52 posts of Office Subordinates. The learned counsel for the petitioners admits that the notification is issued in accordance with the extant rules and as a matter of fact the petitioners applied for the post of Office Subordinates along with other Masalchis working in the unit of 2nd respondent.

The grievance of petitioners is that a few of the Masalchis who are junior to petitioners working in the unit are appointed and that the selection process of office subordinates is vitiated. The petitioners alternatively pray for regularization of their services as Office Subordinates in the unit of 2nd respondent.

It is well settled that the recruitment to the posts of Office Subordinates is under the A.P. Last Grade Service Rules and the same is by way of advertisement. The petitioners desired to consider their cases for direct appointment pursuant to the notification dated 12.11.2014 and have accordingly applied to the posts of Office Subordinates. The petitioners attended the interview and in the interview they could not get marks required for consideration of their applications for appointment. Once the petitioners choose to apply and are unsuccessful in the test/interview, the petitioners are precluded from challenging the recruitment process initiated through notification dated 12.11.2014. Further, the record discloses that the petitioners could not get marks required to fall within the zone of eligible candidates and accordingly their names were not forwarded to the 1st respondent for approval. This Court, on the *ipse dixit* averments of petitioners, much less on principle of law, cannot sit as a Court of appeal and examine the other objections raised by the petitioners.

For the above reasons, the writ petition fails and is accordingly dismissed.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 17.06.2015
Lrkm