

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

TUESDAY, THE THIRTIETH DAY OF APRIL,
TWO THOUSAND AND THIRTEEN

:PRESENT:

**THE HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A.V. SESA SAI**

WP .NO: 2392 AND 6009 of 2013

WP .NO: 2392 of 2013:

Between:

K. Prasad, S/o. K. Venkatnarayana,
Aged about 33 years, Occ: Unemployee, R/o. Plot No.40, SBI Colony,
Gandhinagar, Hyderabad.

..... Petitioner

AND

- 1 Andhra Pradesh Public Service Commission, Represented by its
Secretary,
M.J. Road, Nampally, Hyderabad.
- 2 Government of AP, Rep. by its Special Chief Secretary,
General Administration Department, Secretariat, Hyderabad - 500 022.
- 3 M. Vijay, S/O. M. Satyanandam, Occ: Unemployee, R/o. SRT-160,
Jawaharnagar, Hyderabad.
- 4 B. Rakesh Kumar, S/o. B. Yadaiah, Occ: Unemployee, R/o. Plot No; 40,
SBI Colony, Gandhinagar, Hyderabad.

(Respondent Nos.3 & 4 are not necessary parties in this WP)

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ, Order or Direction(s) more particularly, one in the nature of Writ of Writ of Certiorari: i) Call for the records relating to and connected with orders passed in OA. No. 7809/2012 dated 04-01-2013 by the Hon'ble A. P. Administrative Tribunal, Hyderabad; ii) Consequently set aside that portion of the Judgment (a) in not referring Q. Nos. 62 & 107 for the purpose of reviewing of the key by an Expert Committee (b) allowing selection process to go on despite finding fault with the conduct of PSC in finalizing the selection process though there are admittedly several mistakes in the so called Final answer key (c) directing PSC which failed in the whole selection process to constitute an expert committee as being inconsistent and contrary to the very findings of the Hon'ble Tribunal and consequently this Hon'ble Court may constitute the Third Party Committee by external experts to have unbiased report and to refer the issue pertaining to all six (6) Questions raised by the Petitioner including Q. Nos. 62 and 107 and direct PSC to redraw the list based on the outcome of the Third party Expert Committee Report and to publish the individual marks list of all the candidates in the Preliminary Examination as was done in the previous Recruitment and call the candidates afresh for the Mains examination as per the revised key and to complete the selection process right from Mains examination and direct PSC not to continue with any further selection

process / stay all further proceedings in pursuance of Notification Nos. 15/2011 and 18/2011 dated 28-11-2011 issued by the 1st Respondent including conducting interviews and / or issuing appointment orders till the above process gets completed, etc.

Counsel for the Petitioner : **Sri J. Sudheer**
Counsel for Respondent No.1 : **Sri G. Vivekanand**
Counsel for Respondent No.2 : **GP for Services-I**

Contd...2/P

: 2 :

WP .NO: 6009 of 2013:

Between:

Ch. Naga Murali Krishna, S/o C.V.V. Satyanarayana

Aged about 33 years, Occ. Unemployee, R/o Flat No. 201, Palem Towers,
Barkatpura, Hyderabad.

..... Petitioner

AND

- 1 The Andhra Pradesh Public Service Commission, Rep. by its Secretary, Nampally, Hyderabad.
- 2 The Government of Andhra Pradesh, Rep. by its Secretary, General Administration Department, Secretariat, Hyderabad.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Direction, Order or writ more particularly, one in the nature of writ of Certiorari, a) Calling for records relating to the order dated 4.1.2013 passed in Original Application No.7455 of 2013 on the file of the Learned Andhra Pradesh Administrative Tribunal and quash or set aside the same in so far as it refuses to refer Question No.62 of the D Series of the Preliminary Examination conducted by the 1st Respondent in pursuance of the Notification No.15/2011 and 18/2011 and permission granted to the 1st Respondent to go ahead with the selection process as being unsustainable: b) Consequently, direct the Respondent to refer Question No. 62 also to the Expert Committee constituted by it pursuant to the directions of the Learned Andhra Pradesh Administrative Tribunal in Original Application No.7809 of 2012 and batch and direct that the key be revised and take the Selection process to its logical conclusion by conducting the Mains Examination afresh and conducting Interviews thereafter, the revision of the Final Answer key is done.

Counsel for the Petitioner : **Sri Siva**
Counsel for Respondent No.1 : **Sri G. Vivekanand**
Counsel for Respondent No.2 : **GP for GAD**

These petitions coming on for hearing, upon perusing the Petitions and the affidavits filed herein and the orders of the High Court dated 19-2-2013 made in WPMP No.2907 of 2013, and dated 06-3-2013 made in WPMP No.7480 of 2013 and upon hearing the arguments of the above named counsels, the Court made the following

ORDER:

When the matter is taken up, it is submitted by the learned Additional Advocate General that pursuant to the directions issued by the Tribunal, the matter was referred to an Expert Committee of Professors, who have already submitted their report, and basing on the same the Andhra Pradesh Public Service Commission, Hyderabad, has already taken decision in its Special Meeting held on 29.04.2013.

On the other hand, learned counsel appearing for the petitioners submitted that there are some other questions, namely 62 and 107 in 'D' Series, to be referred, and there is no valid reason assigned by the Tribunal in not referring such questions to the Expert Committee. It is further submitted that the Tribunal should have constituted the committee by itself instead of permitting the Commission to do so.

Contd...3/P

: 3 :

As it will take some more time to consider the said issue and as we are close to the summer recess, taking into account the submission made by the learned Additional Advocate General that Expert Committee has already expressed their opinion on the four questions, which are referred by the Tribunal by its order, dated 04.01.2013, in modification of the earlier order passed by this Court, we permit the official respondents to proceed with the selection process but, however, the selection list shall not be leaked, no information shall be furnished with regard to the selection list, and no appointments shall also be made pursuant to the selections made, until further orders.

Post on 10.06.2013.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Secretary, Andhra Pradesh Public Service Commission, M.J. Road, Nampally, Hyderabad.
- 2 The Special Chief Secretary, General Administration Department, Government of AP, Secretariat, Hyderabad - 500 022.
- 3 The Secretary, General Administration Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
(Addressees 1 to 3 BY RPAD)
4. The Registrar, A.P. Administrative Tribunal, Purana Haveli, Hyderabad.
5. One CC to Sri J. Sudheer, Advocate (OPUC)
6. One CC to Sri Siva, Advocate (OPUC)
7. Two CCs to the Addl. Advocate General, High Court of A.P., Hyderabad.
(OUT)
8. Two CCs to the G.P. for Services-I, High Court of A.P., Hyderabad.
(OUT)
9. Two spare copies.

nnr

HIGH COURT

**RSR,J
&
AVSS,J**

DATED: 30-4-2013

NOTE: Post on 10-6-2013

ORDER

W.P.NOs. 2392 & 6009 OF 2013

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 01-05-2013

**RSR,J
&
AVSS,J**

DATED: 30-4-2013

NOTE: Post on 10-6-2013

ORDER

W.P.NOs. 2392 & 6009 OF 2013

DIRECTION