

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Petition No.34515 of 2016

Order: (per V.Ramasubramanian, J.)

The petitioner who is now working as a Junior Assistant in the Unit of the Principal District Judge, Krishna District, has come up with the present writ petition challenging the deletion of her name from the select list of candidates for appointment to the post of Civil Judge (Junior Division) by the method of recruitment by transfer.

2. Heard Mr. G.Vidya Sagar, learned Senior Counsel appearing for the petitioner. Smt. Bobba Vijaya Lakshmi, learned counsel, takes notice for the 1st respondent-Registry.

3. The only ground on which the name of the petitioner was deleted from the select list was that she did not obtain permission for pursuing a Law Degree, even while she was in service. The grievance of the petitioner is that she joined the course in the year 2005 and got appointed as a Junior Assistant in January, 2006. Therefore, the petitioner contends that there was no question of obtaining any permission for pursuing the Law Degree.

4. The contention of Mr. G.Vidya Sagar, learned Senior Counsel for the petitioner, is that though there was a Memorandum dated 06-4-1978 issued by the Registry of the High Court to the effect that all employees should take prior permission for pursuing any course, the said Circular was not

made known to the offices in all the Units. This forced a Bench of this Court to pass an order on 30-12-2015 in W.P.No.30688 of 2013 to the effect that so long as the Circular is not made known, the same could not have any effect. Therefore, the contention of the learned Senior Counsel is that as long as there was no prohibition in the eye of law, made known to the subordinate offices or the employees, the question of the petitioner obtaining any prior permission would not arise.

5. We have carefully considered the above submissions. Even according to the petitioner, she joined the Degree Course in Law as a regular candidate in June, 2005. She was selected and appointed as Junior Assistant in January, 2006. Therefore, she could not have pursued a regular Law Degree in a day college, without obtaining the permission of the Unit Head. We cannot accept the plea that her absence was condoned by the University and that therefore the failure of the petitioner to obtain prior permission cannot be put against her. It is open to the employer (the High Court) to take note of certain facts, as to how an aspirant to a post of the Civil Judge underwent the course relating to the minimum qualification and acquired the same. If the employer finds that the candidate could not have obtained a degree in a particular manner (especially in absentia from the college), the employer is at liberty to reject the

candidature, even though the candidate might have secured a valid degree.

6. Therefore, we find no merits in the writ petition. Hence, it is dismissed. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

G.SHYAM PRASAD, J.

26th October, 2016.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Petition No.34515 of 2016
(per VRS, J.)



26th October, 2016.
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