

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION Nos. 36019, 36023 & 36024 of 2015

COMMON ORDER: (*Per VRS,J*)

Aggrieved by the dismissal of their applications before the Andhra Pradesh Administrative Tribunal, three candidates, who applied for the post of Veterinary Assistant, pursuant to a notification, dated 11.11.2008, have come up with these writ petitions.

2. Heard Mr. M.R.Tagore, learned counsel for the petitioners, and the learned Government Pleader for Services (A.P.).

3. By a notification, dated 11.11.2008, applications were invited from eligible candidates for appointment to 36 posts of Veterinary Assistants. The petitioners applied.

4. But, without disclosing the fate of the selection, a fresh notification, dated 13.02.2009, was issued for recruitment to 25 posts of Veterinary Assistants. Since the petitioners did not know the fate of the notification issued on 11.11.2008, they applied pursuant to the second notification, dated 13.02.2009. They were also called for a written test followed by an interview in September, 2009.

5. In the meantime, a few individuals filed an application before the Tribunal, complaining of non-selection pursuant to the notification, dated 11.11.2008. A few individuals also went before the Tribunal, challenging the amendment made under G.O.Ms.No.6, dated 10.02.2009. They obtained orders in their favour on 21.12.2009 in O.A.No.10298 of 2008.

6. Subsequently, four individuals, who were similarly placed as the petitioners and who participated in the selection pursuant to the notification, dated 11.11.2008, were appointed as Veterinary Assistants, by an order, dated 08.02.2012.

7. After the appointment of the four individuals similarly placed like them way back in 2012, the petitioners woke up from their slumber and made representations. In the meantime, a fresh notification was issued in 2015, by which time, the Rules were amended making the petitioners ineligible for appointment. Therefore, they filed applications in O.A.Nos.5963, 5995 and 5963 of 2015 respectively, challenging the notification for recruitment, dated 24.09.2015, and seeking a direction to the respondents to complete the selection process, pursuant to the notification, dated 11.11.2008. These applications were dismissed by the Tribunal, forcing the petitioners to come up with these writ petitions.

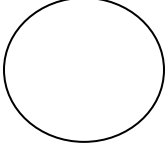
8. In essence, what the petitioners have done is that after the process of recruitment initiated on 11.11.2008 was apparently abandoned, the petitioners waited for other individuals to get orders of appointment on 08.02.2012 and went before the Tribunal by filing applications in 2015. After the notification, dated 11.11.2008, there was a fresh notification, dated 13.02.2009, pursuant to which, the petitioners applied, participated in the process of selection, and did not get appointed. Therefore, the petitioners cannot now rely upon the orders of appointment issued in favour of four individuals on 08.02.2012, as their claim is hopelessly barred by time. Today, the petitioners are not qualified as per the statutory Rules. The clock cannot be put back to the year 2008 and a direction issued at this stage. The notification, dated 11.11.2008, would not actually survive, irrespective of whether it was abandoned or not, the moment a fresh notification is issued on 13.02.2009. Therefore, we find no merits in the writ petitions. Hence, they are dismissed.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

1st November, 2016
cbs



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