

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI*

WRIT PETITION No.31193 of 2016

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The two petitioners belong to Scheduled Caste and Backward Class Communities respectively. They are desirous of aspiring for the posts of Civil Judge (Junior Division) notified by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh under notification dated 16.08.2016. As per the said notification, only those candidates who possess the qualifications prescribed under the rules as on the last date stipulated for submission of the applications are eligible to apply. According to the petitioners, they have already appeared for the final year examination of LL.B. course and their results are to be declared on 20.09.2016. However, as the last date for submission of the applications is stipulated as 16.09.2016, they are before this Court seeking relaxation of the clause in the notification and to allow them to submit their applications without proof of their having passed the final year examination of LL.B. course.

Sri M.R. Tagore, learned counsel for the petitioners, placed reliance on Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board¹, wherein the Supreme Court was dealing with a case where a candidate submitted his application form without the required certificate which was thereafter supplemented after the cut-off date, but his candidature was rejected on the ground that he failed to submit the said certificate along with the application form before the last date for submission thereof. The question framed for decision in the matter was whether a candidate who appeared in an examination under OBC category

¹ (2016) 4 SCC 754

and submitted the certificate after the last date mentioned in the advertisement would be eligible for selection to the post under OBC category. Having considered the matter at length, the Supreme Court opined that to non-suit a candidate belonging to a weaker section on such ground would be in violation of the law laid down by the Constitution Bench judgments in *Indra Sawhney v. Union of India*² and *Valsamma Paul v. Cochin University*³.

Applying the aforesaid legal principle to the case on hand, we are of the opinion that the petitioners who belong to Scheduled Caste and Backward Class categories would be entitled to relief as they cannot be made victims of the fact that academic bodies are unable to maintain the academic year consistently each year, thereby leading to results being declared at different times for different universities and institutions.

The writ petition is therefore allowed directing the respondents to receive the applications of the petitioners without insisting upon the proof of their having passed the final year examination of LL.B. course. However, the petitioners shall make available such proof by the end of September, 2016. Failure on their part in this regard would entail rejection of their candidature without further ado.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

Date: 15.09.2016

Note:

Furnish C.C. by tomorrow.
(B/o) GJ

² 1992 (3) SCC 217

³ (1996) 3 SCC 545