

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

WRIT PETITION No.16375 OF 2017

Date:23.11.2017

Between:

Dr. Arpana Kakati Rao W/ o.Yernati Lakshmana Rao,
41 years, R.o. 15-15-35, Krishna Nagar,
Maharanipet, Visakhapatnam - 530002

...Petitioner

Vs.

Director of Animal Husbandry,
State of Andhra Pradesh,
Vijayawada, Krishna District and others.

... Respondents

For Petitioner : Sri P.V. Krishnaiah

For Respondents : G.P. for Services –I (AP)



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.16375 OF 2017

ORDER: (per V. Ramasubramanian, J)

Aggrieved by the refusal of the respondents to consider her case even under the 30% quota available for candidates from the open category, the petitioner has come up with the above writ petition.

2. Heard Mr. P.V. Krishnaiah, learned counsel for the petitioner and the learned Government Pleader for Services.

3. By a notification dated 23.11.2016, issued by the 1st respondent herein, applications were invited for recruitment of 275 Veterinary Assistant Surgeons in Category VI of Class-A of the Andhra Pradesh Animal Husbandry Service Rules 1996. 70% of the vacancies were reserved for persons belonging to the local area of the Andhra Pradesh within the respective zones and 30% was available to non-locals and locals (open) quota. This prescription contained in paragraph-4 of the notification dated 23.11.2016.

“4. The Candidates belonging to local Area of Andhra Pradesh are only eligible for the post of Veterinary Assistant Surgeon within the respective Zones in the Ratio of 70:30 basis i.e. 70% Locals and 30% Non-Locals and Locals (open) quota as per the Hon'ble High Court orders issued on 30/7/2012 in WPMP No.21271 of 2012 in W.P.No.16560 of 2012.”

4. It appears that the aforesaid prescription was incorporated as per an interim order passed by a Division Bench of this Court on 30.07.2012 in WPMP No.21271 of 2012 in WP No.10560 of 2012.

5. The petitioner who is qualified with a degree in Veterinary Science, actually hails from one of the North Eastern States, namely, State of Assam. She married a person who is a native of Visakhapatnam

District in Andhra Pradesh. Therefore, the petitioner made an application as a candidate for appointment to the post of Veterinary Assistant Surgeon, as against the 30% quota available for non-locals.

6. But, the respondents refused to consider her case on the ground that she did not belong to a non-local area within the State of Andhra Pradesh.

7. The respondents have filed counter affidavit contending inter alia that while 70% of the vacancies are to be filled up by candidates belonging to the local area within the State, the remaining 30% is available only to the residents of the State of Andhra Pradesh, who are locals in other zones but not local in the zone to which selection was made. In other words, the contention of the Government is that even this 30% vacancies are available only to those belonging to the State of Andhra Pradesh, but who may not qualify as locals within the respective zones. But we do not think that the said contention can be upheld. The very rationale behind throwing open 30% of the vacancies under the open category, is to allow persons who are other than the non-locals to compete. In any case, the petitioner has married a person who is admittedly a native of Andhra Pradesh. She is the daughter-in-law of the State. She cannot now be made ineligible to be appointed to any post within the State of Andhra Pradesh, as the same would make the freedom of choice of a woman, to marry a person of A.P., a dead letter.

8. Moreover, the Andhra Pradesh Re-organization Act, 2014, has changed the entire scenario. Therefore, the writ petition is allowed directing the respondents to consider the case of the petitioner on the basis of her own merit, under the 30% quota for non-locals.

9. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

November 23, 2017
KTL

