

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

Delivered on :06-04-2017

Coram :

Honourable Mr. Justice V.RAMASUBRAMANIAN
and
Honourable Ms. Justice J.UMA DEVI

W.P.No.37026 of 2016

1. Kasim, S/o. K. Kareem, R/o. Chelurivandlapalli(v), Thamballapalli Mandal, Chittoor District, Andhra Pradesh.
2. K. Ravi Kumar, S/o. K. Narayanaswamy, R/o. D.No.5-79/1, Indira Nagar, Santhapeta Road, Chittoor, A.P.
3. P. Satheesh Kumar, S/o. P. Babu, R/o. D.No.24-354/2, Bharath Nagar, Bandlapalli Road, Chittoor, A.P.
4. C. Jagadeeswaran, S/o. C. Chinnabba, R/o. Thambuganipalle Post, Bangarupalem (M), Chittoor District, Andhra Pradesh.
5. N. Manjunath, S/o. S. Subbaiah, R/o. Nakkanapalli Post, Santhipuram Mandal, Chittoor District, Andhra Pradesh.

... Petitioner

Vs.

1. High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, Hyderabad, Telangana State-500 066. Rep. by its Registrar (Administration).
2. The Registrar (Recruitment), High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, Hyderabad, Telangana State.
3. The Principal District Judge, Chittoor, Chittoor District, Andhra Pradesh.

... Respondents

For the Petitioner : -- Mr. N. Bharat Babu, Rep. by
Mr. P. Gangaiah Naidu (Senior Counsel)

For the Respondents : -- Ms. Bobba Vijaya Lakshmi

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE MS. JUSTICE J. UMA DEVI

W.P.No.37026 of 2016

ORDER: (per V. Ramasubramanian, J.)

The petitioners, who applied for appointment to the post of Office Subordinates in the Courts in Chittoor District, have come up with the present writ petition challenging cancellation of the entire selection.

2. Heard Mr. P. Gangaiah Naidu, learned Senior Counsel appearing for the petitioners and Ms. Bobba Vijaya Lakshmi, learned Standing Counsel appearing for the High Court.

3. On 02.09.2015, The Principal District Judge, Chittoor, the 3rd respondent herein, issued a notification inviting applications from the eligible candidates for appointment to 20 posts of Process Servers and 47 posts of Office Subordinates / Attenders by direct recruitment, in the unit of the District Judge, Chittoor. The petitioners applied.

4. As many as 9319 applications were received. After scrutiny, call letters were sent to 5990 candidates for interview. The interviews were held between 20.01.2016 to 15.02.2016, for 4429 candidates out of 5990 candidates to whom call letters were sent.

5. Thereafter, the 3rd respondent prepared a final merit list and forwarded the same to the High Court.

6. However by a communication dated 03.08.2016, the Registry of the High Court directed the 3rd respondent, to cancel the entire process. Accordingly the 3rd respondent issued a cancellation notification dated 04.08.2016 cancelling the selection in entirety.

7. The petitioners herein then applied for information under the Right to Information Act. The information was sought on – the number of applications received, the merit list sent and the letter of the High Court cancelling the selection. For some reasons, a part of the information was refused. Thereafter, the petitioners have come up with the above writ petition.

8. The Registrar (Recruitment) of this Court has filed a counter affidavit indicating that interviews were held for 4429 candidates during the period from 20.01.2016 to 15.02.2016 at the rate of 300 candidates per day. It is also stated in the counter affidavit that large scale irregularities in the matter of appointment of Office Subordinates came to the notice of the High Court and that the High Court constituted a Committee of Hon'ble Judges to examine the existing rules and procedures and that on the basis of the recommendation of the Committee, the entire selection was cancelled. Paragraph-5 of the counter affidavit filed by the Registry of this Court, if extracted, would throw light upon the reasons for cancellation. Hence it is extracted as follows:

“It is submitted that while matter stood thus, as large scale irregularities in selection of Office Subordinates (Attendees) in several districts had come to its notice, the High Court resolved to cancel the selection process already undertaken in all the Districts; that the High court constituted a Committee of Hon'ble Judges to examine the existing rules and procedures to consider whether any amendments are required to be made therein to ensure a fair and transparent process of selection and to recommend the modalities for fresh selection of Office Subordinates (Attendees) in all the Districts. Basing on the recommendation of the Committee of Hon'ble Judges, the High Court resolved that in order to maintain uniformity, selections to the posts of Office Subordinates in Chittoor District should also be cancelled. After the decision taken by the High Court, the Registry addressed letters to the concerned Principal District & Sessions Judges/Unit Heads informing them of the cancellation of recruitment to the posts of Office Subordinates (Attendees) already undertaken. I respectfully submit that prior to issuance of appointment orders, the selected candidates have no vested right whereby they can claim appointment pursuant to their participation in oral interview for mere selection. There is, therefore, no illegality or irregularity in cancelling the entire

selections on the basis of a policy decision taken and no individual rights of the petitioners (applicants) were affected thereby.”

9. In the light of the above, the only question that arises for consideration is as to whether the cancellation of selection was correct or not.

10. Assailing the decision of the Registry of this Court to cancel the selection, it is contended by Mr. P. Gangaiah Naidu, learned Senior Counsel for the petitioners that merely on the basis of vague allegations against a few persons, the entire process of selection cannot be set at naught. The learned Senior Counsel places reliance upon the decision of the Supreme Court in *Joginder Pal v. State of Punjab*¹.

11. We have carefully considered the above submissions. At the outset it should be pointed out that no person, whose name is included in the select list, has a right to be appointed, unless some persons who are less meritorious are appointed. It is well settled that no person acquires a vested right to appointment merely by virtue of the inclusion of his name in the select list.

12. In *Joginder Pal*, the Supreme Court was confronted with a different fact situation. In the said case, the Supreme Court was concerned with the termination of the services of all appointed candidates and not with the cancellation of the entire selection before appointment orders were issued. After appointment, a person acquires a vested right. He also acquires certain rights both under the Constitution and under the Statutory Rules. But before appointment, no such right accrues except to

¹ (2014) 6 SCC 644

the extent that a less meritorious candidate cannot be appointed overlooking the claim of a more meritorious candidate.

13. The second reason as to why the decision of the judgment of the Supreme Court in *Joginder Pal* may not be of any assistance to the petitioners is that after the judgment of the Supreme Court in *Inderpreet Singh Kahlon v. State of Punjab*², a Committee of Judges was constituted and this Committee was able to segregate the tainted candidates from the non-tainted candidates. The report of the Committee was accepted by the Full Court. But still the High Court set aside the appointment of all candidates and this was what was found fault by the Supreme Court in *Joginder Pal*.

14. In the case on hand, since the appointments were never made, the question of termination did not arise. Therefore, when the High Court thought fit to keep the purity of the process of selection intact by cancelling the whole selection, it may not be fair on the part of this Court to interfere with the same. Hence the writ petition deserves to be dismissed.

15. Mr. P. Gangaiah Naidu, learned Senior Counsel pleaded that two of the writ petitioners have become over aged for appointment by efflux of time and that they should at least be granted relaxation in the upper age limit. If there is a provision in the statutory Rules for relaxation of the upper age limit, then the petitioners may make a request and the said request may be considered by the 3rd respondent in accordance with the Rules.

²(2006) 11 SCC 356

16. With the above observation, the Writ Petition is dismissed. As a sequel, the miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

6th April, 2017
Js.



HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE MS. JUSTICE J. UMA DEVI

W.P.No.37026 of 2016
(Per VRSJ)



6th April, 2017

Js.