

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No. 15816 of 2017

ORDER: (*Per VRS,J*)

The petitioner, whose application for appointment to the post of Junior Assistant in the District Judiciary was rejected by the respondents 2 and 3, has come up with the present writ petition.

2. Heard Mr. S. Rahul Reddy, learned counsel for the petitioner, and Mr. Abhinand Kumar Shavili, learned standing counsel for the High Court, appearing for the respondents 2 and 3.

3. By a notification, dated 03.01.2017, applications were invited by the 3rd respondent from candidates eligible for appointment to the post of Junior Assistants. Clause-II of the notification stipulated that the candidates should not have completed 34 years of age as on 01.07.2016.

4. The petitioner, whose date of birth was 04.05.1983, applied for selection. But, his application was rejected, on the ground that he had crossed the upper age limit.

5. At the time when the writ petition came up for admission, we passed an interim order, directing the respondents 2 and 3 to accept the application of the petitioner, provided he satisfied the other criteria.

6. Thereafter, the 3rd respondent passed a fresh order citing a reason, which was not related to the question of age. The order of rejection stated that the application forwarded by the petitioner was not accompanied by the hall ticket duly filled up by him, signed by him and attested by a Gazetted Officer. Therefore, we directed the registry to produce the original application filed by the petitioner.

7. The original application filed by the petitioner shows that the hall ticket was properly filled up, the petitioner had signed the hall ticket, and his signature was also attested.

8. However, it is stated by the learned standing counsel for the respondents 2 and 3 that the original notification, dated 03.01.2017, was modified by a Corrigendum issued on 23.01.2017, stipulating that the date “01.07.2016” should be read as “01.07.2017”. If the age of the petitioner is reckoned with reference to the date “01.07.2017”, he has crossed the upper age limit.

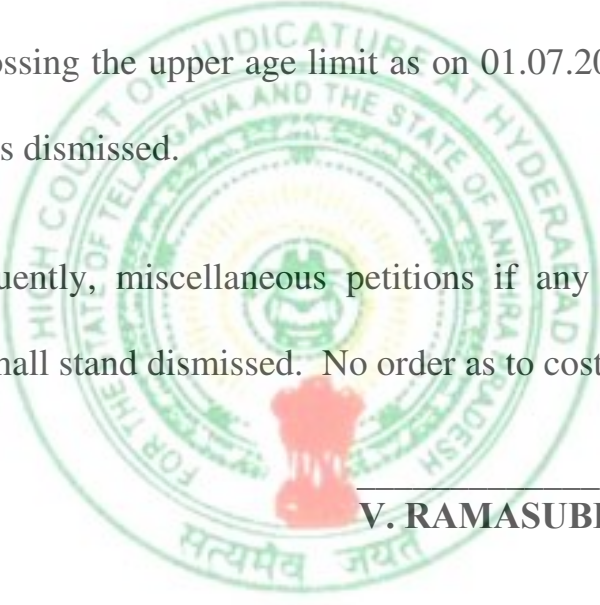
9. It is seen from Rule 9 of the Andhra Pradesh Judicial Ministerial Service Rules that no person shall be eligible for appointment by direct recruitment, if he had completed 33 years of age on the first day of July of the year in which the notification for selection is made. The notification for selection was issued in the year 2017. Therefore, as per Rule 9, the date, with reference to which the age should be reckoned, is 01.07.2017 and not 01.07.2016.

Hence, the Corrigendum issued by the 3rd respondent was perfectly in tune with Rule 9.

10. Though the original Rule 9 stipulated the upper age limit as 33 years, the same was enhanced to 34 years by an amendment issued under G.O.Ms.No.759, General Administration (SER-D) Department, dated 06.10.2007.

11. Therefore, in fact, the Corrigendum is in tune with Rule 9 and the petitioner does not fulfill the eligibility criteria for selection, on account of crossing the upper age limit as on 01.07.2017. Hence, the Writ Petition is dismissed.

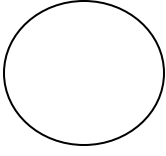
Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.



V. RAMASUBRAMANIAN, J

N. BALAYOGI, J

5th June, 2017
cbs



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Writ Petition No.15816 of 2017
(dismissed)

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