

IN THE HIGH COURT OF JUDICATURE AT HYDERBAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADERSH
**Writ Petition Nos.41724, 41796, 44564, 44276 of 2016 &
WPMP.No.55493 of 2016 in W.P.No.41724 of 2016 & 55822 of
2016 in W.P.No.41796 of 2016**

W.P.No.41724 of 2016

Between:

Raju Mudigiri and others

.....Petitioners

And:

The State of Telangana, represented by its Principal
Secretary, Agriculture and Cooperation, Telangana
Secretariat, Hyderabad and 3 others

..... Respondents

JUDGMENT PRONOUNCED ON : 05-01-2017

HON'BLE SRI JUSTICE

: V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE

: G. SHYAM PRASAD

1. Whether Reporters of local

Newspapers may be allowed to see

the Judgments?

: YES/NO

2. Whether the copies of judgment

may be marked to Law Reporters/

Journals?

YES/NO

3. Whether their Ladyship/Lordship

wish to see the fair copy of the

judgment?

: YES/NO

W.P.Nos.41724, 41796, 44564, 44276 of 2016
& WPMP.No.55493 of 2016 in W.P.No.41724 of 2016
& 55822 of 2016 in W.P.No.41796 of 2016

***THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN**

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

+ Writ Petition Nos.41724, 41796, 44564, 44276 of 2016 &
WPMP.No.55493 of 2016 in W.P.No.41724 of 2016 & 55822 of
2016 in W.P.No.41796 of 2016

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And:

The State of Telangana, represented by its Principal
Secretary, Agriculture and Cooperation, Telangana
Secretariat, Hyderabad and 3 others Respondents

! Counsel for petitioner: Sri J. Sudheer, counsel for the petitioners

^ Counsel for respondent: Sri S. Sharath Kumar, Special G.P.

< Gist:

> Head Note:

? Cases referred:

- 1) 1992 (4) SCC 477
- 2) 1997 (7) SCC 592
- 3) 1999 (4) SCC 727
- 4) 2006 (8) SCC 381
- 5) 2006 (8) SCC 399
- 6) 2011 (6) SCC 508

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& 55822 of 2016 in W.P.No.41796 of 2016

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE G.SHYAM PRASAD

**Writ Petition Nos.41724, 41796, 44564, 44276 of 2016 &
WPMP.No.55493 of 2016 in W.P.No.41724 of 2016 & 55822 of
2016 in W.P.No.41796 of 2016**

Order: *(per V.Ramasubramanian, J.)*

The petitioners in all these writ petitions have been working on contract basis either as Agriculture Officers or as Agriculture Extension Officers or as Horticulture Officers. They have come up with the present writ petitions either challenging a Government Order in G.O.Ms.No.108 Finance (HRM-I) Department dated 27-07-2015 and/or challenging certain notifications viz., Notification No.11/2015 dated 05-09-2015 or Notification No.19/2015 dated 30-12-2015 or Notification No.4/2016 dated 30-04-2016, apart from seeking various other consequential or alternative reliefs.

2. Heard Mr. J. Sudheer, learned counsel for the petitioners, Mr. Sharat Kumar, learned Special Government Pleader (Telangana) and Mr. M. Prahastha, learned counsel for the parties who seek to implead themselves as party respondents.

3. It appears that in the combined State of Andhra Pradesh, the procedure of selection for direct recruitment to the post of Agriculture Officers as stipulated in G.O.Rt.No.131, dated 10-02-2015 was as follows:

"Marks:

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The formula in marking procedure shall be 75:10:15, merit, seniority, and experience respectively.

O.G.P.A	75 marks	(OGPA 2.00 will be awarded with 55 marks and one mark for every 0.1 increase over 2.00 Overall Grade Point Average
Seniority	10 marks@	One mark per year from the year of passing (for completed year)
Experience	15 marks @	4 marks per year for satisfactory Service rendered as A.O./ Agricultural Consultant (ANTWA). Multi Purpose Extension Officer (M.P.E.O) on contract basis in the Dept. of Agriculture subject to a maximum of 15 marks. The service certificate should be issued by the J.D.A. of the concerned district. The service rendered on contract basis in the Agriculture Department in different spells shall be COMPUTED for arriving total period of experience in years and thereafter any part of the year shall be treated as nil.
Disincentive	(i)	Deduction of one mark for every semester/trimester taken to complete the course. Deduction of three marks for graduates who pass from colleges having 3 years course.
	(ii)	Deduction of one mark for all cases wherein the candidates have appeared for re-exams under regulation 9.1 (b) of Regulations governing under graduate courses (APAU) ANGRAU."

The above procedure stipulated in G.O.Rt.No.131, Agriculture & Cooperation (AGRI.IV) Department dated 10-02-2015 was slightly modified under G.O.Rt.No.362, dated 23-04-2005 as follows:

"In the said G.O., under the heading "Marks" for the entries against sub-heading "Experience" the following shall be substituted, namely:-

"15 marks @ 1 mark per every completed period of 3 months experience of satisfactory service rendered as A.O./Agricultural Consultant (ANTWA), Multy Purpose Extension Officer (M.P.E.O.) on contract basis in the Dept. of Agriculture, subject to a maximum

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of 15 marks. The service certificate should be issued by the J.D.A. of the concerned district. The service rendered on contract basis in the Agriculture Department in different spells shall be COMPUTED for arriving total period of experience in three months completed periods and thereafter any part of the three months i.e. less than three months shall be treated as nil.”

4. Subsequently by G.O.Ms.No.173 Agriculture and Cooperation (FP.I) Department, dated 07-07-2009, a revised procedure for selection was issued to the following effect:

1.	Over all Grade Point average	100 marks	10 Scale of Overall Grade Point Average is denoted directly and the corresponding percentage of marks be directly considered for ranking rather than changing with conversion formula as reflected in the certificate.
2.	Seniority	10marks	@ one mark per year from the year of passing (for completed year)
3.	Experience	15 marks	@ 4 marks per year for satisfactory service rendered as Agricultural Officer/ Agricultural Consultant (Andhra Pradesh & Netherlands Training of Women in Agriculture – ANTWA), Multi Purpose Extension Officer (MPEO) on contract basis in the Department of Agriculture, subject to a maximum of 15 marks. The service certificate should be issued by the Joint Director of Agriculture of the concerned District. The service rendered on contract basis in the Agriculture Department in different spells shall be COMPUTED for arriving at the total period of experience in years and thereafter any part of the year shall be treated as nil.
4.			(i) Candidates with 4 years B.Sc. (Ag.) are only considered. (ii) No negative marking for the students who have obtained degree by repeating the examination.

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The above aforesaid procedure was again modified under
G.O.Rt.No.1042, dated 24-08-2009 to the following effect:

“ In the said Government Order, in para (3) for the heading ‘Qualification’
and the entries made thereunder, the following shall be substituted namely,-

“Qualification”

“Recruitment to the posts of Agricultural Extension Officers Grade.II
shall be considered with the qualification of a Degree in B.Sc(Ag.), B.Sc., Dry
Land Agriculture (Vocational) and Diploma holders of Agriculture
Polytechnic/Seed Technology/Plant Protection/Organic Farming, as per merit
basis in the following manner;

Marks awarded:

B.Sc.(Ag) 4/3 years	100 Marks	(i) 10 Scale of Overall Grade Point Average is denoted directly and the corresponding percentage of marks be directly considered for ranking rather than changing the conversion formula as reflected in the certificate. (ii) Candidates with 4/3 years B.Sc(Ag) are considered. (iii) No negative marking for the students who have obtained degree by repeating the examination.
B.Sc(Dry Land Agriculture (Vocation)	100 Marks	The marks secured for 100 marks in the B.Sc. Dry Land Agriculture (Vocational) shall be calculated on percentage basis.
Diploma in Agriculture Polytechnic, Seed Technology/ Plant Protection/ Organic Farming	100 Marks	The marks secured for 100 marks in the Diploma in Agriculture Polytechnic/Seed Technology/Plant Protection/Organic Farming, shall be calculated on percentage basis.
Seniority	10 Marks	@ one mark per year from the year of passing (for completed year) (in respect of all the respective disciplines)
Experience	15 Marks B.Sc(Ag) candidates	@ 1 mark per every completed period of 1 month of satisfactory service rendered as Agricultural Officer/ Agricultural Consultant in Andhra Pradesh Training for Women in Agriculture & Allied Sectors (ANTWA), National Food Security Mission (NFSM), Rastriya Krishi Vikas Yojana (RKVY), Multi Purpose Extension Officer (MPEO) on contract basis in the Department of Agriculture and service rendered as Seed Officer in Andhra Pradesh State Seeds Development Corporation Limited and Seed Certification Officer in Andhra Pradesh State Seed Certification Agency on contract basis subject to a maximum of 15 marks. The service certificate should be issued by the Joint Director of Agriculture of the concerned district and Director, Andhra Pradesh State Seed Certification Agency and Managing

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		Director, Andhra Pradesh State Seeds Development Corporation Limited. The service rendered on contract basis in the Agriculture Department, Andhra Pradesh State Seeds Development Corporation Limited and Andhra Pradesh State Seed Certification Agency in different spells shall be computed for arriving total period of experience in and thereafter any part of the 1 month i.e., less than 1 month shall be treated as nil.
Experience	15 Marks B.Sc (Dry Land Agril.) (Vocational) and Diploma in Agriculture Polytechnic/ Seed Technology/ Plant Protection/ Organic Farming	@ 1 mark per one month of experience, completed period of 1 month of satisfactory service rendered as Multi Purpose Extension Officer (MPEO) on contract basis in the Department of Agriculture subject to a maximum of 15 marks. The service certificate should be issued by the Joint Director of Agriculture of the concerned district. The service rendered on contract basis in the Agriculture Department in different spells shall be computed for arriving total period of experience in and thereafter any part of the 1 month i.e., less than 1 month shall be treated as nil.
Selection Committee	AEOs Posts	1. District Collector .. Chairman 2. District Joint Director of Agriculture .. Convener 3. Deputy Director of Agriculture (FTC) .. Member 4. Professor/Assistant Professor of Acharya N.G. Ranga Agricultural University of Respective Region .. Member

5. After the bifurcation of the State under the Andhra Pradesh Reorganisation Act, 2014 with effect from 02-06-2014, the Government of Telangana issued a Government Order in G.O.Ms.No.108 Finance (HRM-I) Department, dated 27-07-2015, according permission to fill up about 15,522 vacancies in various categories of posts through direct recruitment, by relevant recruiting agencies. Under the said Government Order, these 15,522 vacancies comprised of 3,783 vacancies in various posts in the Departments of Agriculture, Irrigation, Municipal Administration, Revenue etc., and these posts were directed to be filled up through

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the Telangana State Public Service Commission. About 9,058 posts in the Police Department were directed to be filled up through State Level Police Recruitment Board and the remaining 2,681 posts in the Department of Energy were directed to be filled up through Departmental Selection Committee.

6. Out of 3783 posts in various Departments directed to be filled up through the Telangana State Public Service Commission, 120 posts were in the category of Agriculture Officer, 311 posts were in the category of Agriculture Extension Officer Grade-II and 75 posts were in the category of Horticulture Officers.

7. Pursuant to the aforesaid Government Order, the Andhra Pradesh Public Service Commission issued 3 notifications, one under Notification No.11/2015, dated 05-09-2015 for filling up of 120 posts of Agriculture Officer, the second bearing Notification No.19/2015 dated 30-12-2015 for filling up 311 posts of Agriculture Extension Officer Grade-II and the third in Notification No.4/2016 dated 30-04-2016 for filling up of 1000 posts of Agriculture Extension Officer Grade-II.

8. Similarly, a notification for recruitment to the posts of Horticulture Officers was also issued.

9. Immediately thereafter, a group of about 220 candidates working on contract basis either as Agriculture Officer or as Agriculture Extension Officer or as Horticulture Officer, filed 2 applications in O.A.Nos.5283 and 5284 of 2015 on the file of Andhra Pradesh Administrative Tribunal. The main relief sought by the

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applicants in O.A.Nos.5283 and 5284 of 2015 was to set aside G.O.Ms.No.108, dated 27-07-2015 and to direct the State of Telangana/Telangana State Public Service Commission only to follow the same procedure of selection that was in force prior to the reorganisation, in the teeth of Section 101 of the Andhra Pradesh Reorganisation Act, 2014. Curiously the petitioners also made an alternative prayer to direct the Telangana State Public Service Commission to conduct written test without the paper on General Knowledge and to proceed with the selection only by assessing the merits of the candidates on the concerned subjects with sufficient marks for seniority and weightage.

10. The Original Applicants before the Tribunal sought interim orders to direct the Government not to notify the vacancies in the post of Agriculture Officer/Agriculture Extension Officers Grade-II and Horticulture Officers. But the Tribunal refused to grant an interim direction. However, the Tribunal made it clear by its order dated 10-09-2015 that any appointment made in pursuance of the impugned notifications will be subject to the outcome of the Original Applications.

11. Challenging the refusal of the Tribunal to stall the selection, the Original Applicants filed 2 writ petitions in W.P.Nos.30376 and 30505 of 2015. On 22-09-2015 this Court, while entertaining the writ petitions, directed the Public Service Commission to go ahead with the conduct of the written examination but not to finalise the process of selection.

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12. Following the aforesaid interim order granted by this Court, the Tribunal also passed a similar interim order on 01-03-2016 in M.A.No.147 of 2016 in O.A.No.5283 of 2015.

13. Thereafter, the Public Service Commission issued the last of the notifications bearing No.4/2016, dated 30-04-2016 for filling up of 1000 posts of Agriculture Extension Officers Grade-II. Therefore, another group of individuals filed a fresh application in O.A.No.1859 of 2016 on the file of the Andhra Pradesh Administrative Tribunal. In the said Original Application, the Tribunal refused to pass any interim orders forcing the Original Applicants to file a writ petition in W.P.No.25011 of 2016. This writ petition was taken up by a Division Bench of this Court along with W.P.Nos.30376 and 30505 of 2015 and disposed of by an order dated 11-08-2016, to the effect that the examination could go on but the final process of selection should be kept on hold.

14. But subsequently, by a notification issued by the Central Government, the jurisdiction of the Andhra Pradesh Administrative Tribunal over the State of Telangana was withdrawn. Therefore, the Government filed an application for review in Rev.WPMP.No.45226 of 2016 seeking a review of the order dated 11-08-2016, on the ground that the Tribunal cannot deal with the issue any more and that therefore, the process of selection that was put on hold, will remain stagnant forever if the interim orders granted earlier continued to remain in force. Accepting the said contention, this Court passed an order dated 14-11-2016 giving liberty to the

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Original Applicants before the Tribunal to move the appropriate forum for the larger reliefs and continuing the earlier interim orders for a period of 4 weeks.

15. With the liberty so granted by this Court in the order passed in the review application, the petitioners have come up with the above writ petitions. Out of 4 writ petitions on hand, 3 relate to direct recruitment to the posts of Agriculture Officer and Agriculture Extension Officer Grade-II. One writ petition relates to direct recruitment to the post of Horticulture Officer.

16. Before we proceed further, it must be recorded that all the petitioners herein have appeared in the written examination conducted by the Public Service Commission. But the Public Service Commission and the Government have not been able to proceed with the next stage of selection for appointment to all these three categories of posts. What are now put on hold by the interim orders of this Court are appointment to 120 posts of Agriculture Officers, 1311 posts of Agriculture Extension Officers Grade-II and about 75 posts of Horticulture Officer.

17. Persons from the open market, who have participated in the process of selection and who are aggrieved by the entire process of selection being put on hold, have come up with the applications for impleadment. Therefore, they were also heard.

18. As we have pointed out earlier, the primary challenge of the writ petitioners is to G.O.Ms.No.108, dated 27-07-2015 by which the Government of Telangana had entrusted the task of selection to

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the Telangana State Public Service Commission. According to the petitioners, the Government is obliged to follow the practice that was prevailing for more than 2 decades, by confining the procedure of selection only to the assessment of the merit as reflected in the qualified examination (Degree or Diploma in Agriculture), seniority of waiting as an unemployed Graduate/Diploma holder and experience that they have gained by working as contract employees.

19. The alternative contention of the petitioners is that even if there was sufficient justification for the Government to entrust the task of direct recruitment to the Telangana State Public Service Commission, the procedure of selection could not have been altered, especially when the State of Telangana has not made any law adapting a different procedure under Section 101 of the Andhra Pradesh Reorganisation Act, 2014.

20. Another alternative argument of the petitioners is that in the event of this Court not accepting their contention for continuing the old process of selection, the petitioners should at least be given weightage for the experience that they have gained as contract employees. The petitioners also pitch their claim on the ground of legitimate expectation.

21. We have carefully considered the above submissions.

22. Let us first take up the contentions based upon legitimate expectation. According to Mr. J. Sudheer, learned counsel for the petitioners, the procedure of selection that was in vogue for nearly 2 decades, gave rise to a legitimate expectation in the minds of the

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contract employees like the petitioners herein that they would have a fair chance of getting appointed as against regular vacancies. But by altering the procedure of selection and entrusting the task to the Public Service Commission for conducting a written test, the respondents have struck at the root of this legitimate expectation.

23. In support of his contention relating to legitimate expectation, the learned counsel for the petitioners relies upon the following decisions:

- 1) **Navjyoti Coop. Group Housing Society and others v. Union of India and others**¹
- 2) **M.P. Oil Extraction and another v. State of M.P. and others**²;
- 3) **Punjab Communications Ltd., v. Union of India and others**³
- 4) **Ram Pravesh Singh and others v. State of Bihar and others**⁴
- 5) **Confederation of Ex-Servicemen Associations and others v. Union of India and others**⁵
- 6) **Noida Entrepreneurs Association v. Noida and others**⁶

24. At the outset we wish to point out that the doctrine of legitimate expectation presupposes the existence of some semblance of a right. As rightly contended by the learned Government Pleader, a person appointed on contract basis, does not acquire any right. This is not only by virtue of the terms and

¹ 1992 (4) SCC 477

² 1997 (7) SCC 592

³ 1999 (4) SCC 727

⁴ 2006 (8) SCC 381

⁵ 2006 (8) SCC 399

⁶ 2011 (6) SCC 508

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conditions subject to which the petitioners were engaged, but also by virtue of Rule 9 of the General Rules for Andhra Pradesh State and Subordinate Services.

25. The only right that a person has, be it a temporary employee appointed under Rule 10 (a) (i) or a contract employee appointed under Rule 9 or an outsider, is to be considered for appointment to a Civil post or a post in Civil Services of the State. The only guarantee given by the Constitution is a right to be considered along with others. If all persons, who aspire to get into Government service, are subjected to a uniform procedure of selection, no candidate can complain that his legitimate expectation was defeated by prescribing a uniform method of short listing candidates for selection based purely upon merit. The doctrine of legitimate expectation has no relevance in the matter of prescription of a procedure for selection.

26. Coming to the decisions relied upon by the learned counsel for the petitioners, it is seen that in *Navjyoti Coop. Group Housing Society and others v. Union of India* the Court was concerned with a procedure for allotment of land by the Delhi Development Authority. *M.P. Oil Extraction and another v. State of M.P.* related to the grant of largesse, so far as distribution of sal seeds is concerned. *Punjab Communications Ltd., v. Union of India* related to the award of tender for providing Digital Wireless Telecom Facility. *Ram Pravesh Singh and others v. State of Bihar* arose out of a dispute relating to the claim for absorption of the employees of a

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society to which a licence was granted by the Electricity Board for supply of electricity to certain areas. The decision in *Confederation of Ex-Servicemen Associations and others v. Union of India* arose out of a claim of Ex-servicemen to full and free Medicare. *Noida Entrepreneurs Association v. Noida* is a decision that arose out of allotment of industrial and residential plots.

27. Thus all the decisions relied upon by the learned counsel for the petitioners related to the award of contracts or allotment of land or the grant of a public largesse.

28. In the matter of public employment, it is common knowledge that about 30 to 40 years ago the number of persons who were available in the open market for appointment to any post was less. Therefore, the Rules in existence in those days prescribed only a limited process of screening. But as more and more people became qualified, the competition increased. Hence, it became necessary for the Government to adapt different procedures of selection, so that the best talent is selected. No Court has ever held that the prescription of a written test for selection of candidates for direct recruitment to Government service, offends the doctrine of legitimate expectation. As pointed out by the Supreme Court even in *Ram Prवेश Singh*, the efficacy of this doctrine, as a ground for relief, is rather weak. The slot available for this doctrine is just above “fairness in action”, but far below “promissory estoppel”. Therefore, the contention based upon legitimate expectation is liable to be rejected outright.

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29. The next contention is based upon Section 101 of the A.P. Reorganisation Act, 2014. It reads as follows:

“Power to adapt laws:- For the purpose of facilitating the application in relation to the State of Andhra Pradesh or the State of Telangana of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.”

30. A careful perusal of Section 101 shows that it is only an enabling provision. Since a new State was born by virtue of reorganisation, a power was conferred by Section 101 upon the appropriate Government to make such adaptations and modifications of the law as may be necessary. This power cannot be construed to mean that a practice prevailing before bifurcation should continue.

31. Admittedly, the posts of Agriculture Officer, Agriculture Extension Officer and Horticulture Officer are governed by a set of statutory Rules issued in exercise of the power conferred by the proviso to Article 309 of the Constitution of India. These special Rules known as Special Rules for Andhra Pradesh Agricultural Subordinate Service merely prescribe the qualifications for appointment. They do not prescribe the procedure for selection. Therefore, the procedure of selection that the combined State of Andhra Pradesh was following under G.O.Rt.No.131 dated 10-02-

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2005, G.O.Rt.No.362 dated 23-04-2005, G.O.Rt.No.173 dated 07-07-2009 and G.O.Rt.No.1042, dated 24-08-2009, cannot be elevated to the status of a law, merely on the basis of the definition of the expression "law" contained in Section 2 (f) of the A.P. Reorganisation Act, 2014. As a matter of fact a Public Service Commission is constituted in terms of Article 315 of the Constitution of India. The functions of the Public Service Commission are enlisted in Article 320 of the Constitution of India. Article 320 (1) of the Constitution mandates that the Public Service Commissions should conduct examinations for appointments to the Services of the State. Article 320 (1) reads as follows:

"It shall be the duty of the Union and the State Public Service Commissions to conduct examinations for appointments to the services of the Union and the services of the State respectively."

32. Assuming that Section 101 of the A.P. Reorganisation Act, 2014 has any application on account of the definition of the expression "law" contained in Section 2 (f), even then G.O.Ms.No.108 by which the task of selection was entrusted to the Public Service Commission should be understood and construed to be the adaptation of a law with a modification of the procedure for selection. Once G.O.Ms.No.108 is construed as a modification of the existing law (assuming that it is law) under Section 101 of the A.P. Reorganisation Act, 2014, then the provisions of Article 320 (1) of the Constitution would automatically come into play. Therefore, there is no way the petitioners can escape the obligation to participate in the procedure of selection prescribed by the Service

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Commission. Therefore, the contention based upon Section 101 of the A.P. Reorganisation Act, 2014 is also liable to be rejected.

33. That leaves us with only one last contention, which revolves around the experience that the petitioners have gained by working as contract employees. Mr. J. Sudheer, learned counsel for the petitioners pleaded that at least some weightage should be given to the petitioners for the services that they have rendered as contract employees. But this request is opposed by the learned Government Pleader as well as the learned counsel for impleading petitioners on the basis of a decision of the Division Bench of the **Punjab & Haryana High Court in Ashok Kumar v. State of Haryana and others** in Civil Writ Petition No.13045 of 2009 dated 06-04-2010.

34. We do not think that the decision of the Division Bench of the Punjab & Haryana High Court could be taken as a guiding light to deal with the contention of the petitioners. The reason is that what was under challenge before the Punjab & Haryana High Court in Ashok Kumar's case was the grant of relaxation in age, exemption from passing School Teachers Eligibility Test (STET) and weightage towards experience for the service rendered by Guest faculty lecturers. The grant of those series of exemptions struck at the very root of equality guaranteed under Article 14 of the Constitution and hence the decision of the Punjab and Haryana High Court cannot form the basis for dealing with the present contention.

35. Whenever persons appointed on temporary basis came up with claims for regularisation, the Courts have always directed

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those temporary employees to participate in a regular process of selection, after granting relaxation in the upper age limit to the extent of the services rendered by them. In so far as the petitioners herein are concerned this contingency has not arisen since all of them were allowed to write the examination. Therefore, if at all any concession can be granted to them, it could only be to take the services rendered by them in the past as a preferential criteria, if two persons are found to be of equal merit in the written examination conducted by the Public Service Commission. In other words, if a candidate who participated in the process of selection from the open market and a candidate who has worked as contract employee have secured equal marks in the written examination and both of them come within the zone of consideration, a preferential treatment may be given to the person who had already rendered service as a contract employee. This is only the concession that can be granted to the petitioners. Other than that, their challenges to G.O.Ms.No.108 and to the procedure of selection, are devoid of merit and the writ petitions are liable to be dismissed.

36. Accordingly, all the writ petitions are disposed of with a limited direction. As we have observed in the preceding paragraph, the Government may consider according a preferential treatment to the contract employees, if any of the contract employee has secured the same mark as that of an outsider, who has come within the zone of consideration in the same category to which he belongs such as B.C., S.C. and S.T. etc. All other claims and reliefs sought are

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rejected. There shall be no order as to costs. WPMP.No.55493 in W.P.No.41724 of 2016 and WPMP.No.55822 in W.P.No.41796 of 2016 are dismissed. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J

G.SHYAM PRASAD, J

Date: 05-01-2017

Note: Issue C.C. by 11-01-2017

B.O. AK/Ksn

L.R. Copy to be marked.

