

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27507 of 2017

ORDER:

This writ petition is filed challenging the note and notification dated 02-06-2017, wherein the applications were called for filling up posts of Deputy Surveyors in Survey Settlement and Land Records Department.

Learned counsel for the petitioners says that in the 1st notification No.34/2017, dated 02-06-2017, no such note was mentioned, but again the impugned note mentioned in the second notification dated 02-06-2017. He also submits that according to G.O.Ms.No.282, General Administration (Ser-A) Department, dated 20-09-2003 rules have to be amended, but without amending the rules, the respondents again inserted the impugned note.

Heard learned Government Pleader for Services, who submits that adhoc rules framed in terms of G.O.Ms.No.282, dated 20-09-2003 basing on the Supreme Court judgment. As such no further amendment is required to the rules.

Heard learned Standing Counsel for 2nd respondent- Public Service Commission who also supports the argument of learned Government Pleader for Services.

In this case, the impugned note in the notification dated 02-06-2017 reads as follows:

“Note: The candidates with higher qualification of Diploma in Civil Engineering, B.Tech/B.E.(Civil), M.Tech/M.E.(Civil) are also eligible as per G.O.Ms.No.282, GA (Ser-A) Dept., dated 20-09-2003.”

In the notification issued on the same day, there is no such note mentioned. But the respondents having realized the issuance of G.O.Ms.No.282, dated 20-09-2003, which was issued basing on the judgments of Supreme Court in **Arun Thiwari v.Zila Mansavi Shikshak Sangh¹** and **Md.Riazul Osman Gani v. District and Sessions Judge, Nagpur²** re-issued the present notification by inserting the impugned note. A reading of G.O.Ms.No.282, dated 20-09-2003 goes to show that it is introduced by way of adhoc rule under Article 309 of Constitution of India, though incidentally mentions that rules have to be amended as itself is an adhoc rule. The impugned note also says that persons with higher qualifications are also eligible that does not disqualify the petitioners. Even other wise as per the judgments of Supreme Court, the persons having higher qualification does not attract disqualification.

Hence, I do not see any merit in the writ petition and accordingly, the same is dismissed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

21-08-2017

Nvl

¹ 1998(2) SSC 332

² 2000(1) Scale 508



