

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION (TR) No.332 OF 2017

DATED : 20.07.2017

Between :

V. Kishore S/o.Murali,
Aged about 32 yrs, Occu : Home Guard,
R/o.H.No.3-89/1, Desaipet Village,
Banswada Mandal, Nizamabad District-503 187
.. Petitioner/Applicant

And

The Government of Andhra Pradesh,
Rep., by its Principal Secretary,
Home Department, Secretariat Buildings,
Hyderabad & Others.
... Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner was working as Home guard at the relevant point of time. On 31.10.2011 recruitment notification was issued by the State Level Police Recruitment Board, to fill up various categories of police constables. Petitioner being a Home Guard also applied in response to the said notification. In the physical efficiency test he secured 41.25 marks and in the written examination he secured 69 marks. In accordance with the Rules, 43 vacancies were earmarked for Home Guards. However, only 38 applications were received and ultimately only 13 were selected against Home Guards quota. The cut off mark was prescribed as 65.5 and though petitioner secured 69 marks in the written examination, he was not selected. On verification the reason assigned for non-selection of the petitioner was that he secured only 35% marks in the written examination and therefore, was disqualified. Holding that prescribing 40% as the minimum required marks in written examination and not relaxing the said requirement even though large number of vacancies are meant to be filled up for home guards, O.A.No.1542 of 2013 is filed, which is transferred to this Court.

3. Learned counsel for the petitioner contends that fixing 40% cut off mark to the Home guards while granting relaxation of cut off mark to 35% to B.Cs and 30% to S.Cs/STs and Ex-servicemen is arbitrary and discriminatory. Thus by granting relaxation he

ought to have been selected, more so, when there were large number of vacancies to be filled up.

4. Learned Government pleader contends that the recruitment process initiated in the year 2011 is governed by Andhra Pradesh Police (Stipendiary Cadet Trainee) Rules, notified vide G.O.Ms.No.315 Home (Police.C) Department dated 13.10.1999 as amended in the year 2006. The notification was issued strictly in compliance with the requirements of the Rules. The notification specifies minimum cut off marks. Having participated in the selection, it is not open for the petitioner to turn around and say that the cut off mark should be reduced. According to learned Government Pleader, the selections were finalized, candidates were subjected to training and subsequent notifications were also issued in the year 2012 and also in 2015.

5. At this stage, learned counsel for the petitioner submits that in the recent selections conducted, petitioner was already selected as police constable.

6. The only issue for consideration in this writ petition is whether prescribing minimum cut off mark in the recruitment process is valid ?

7. It is settled principle of law that it is for the competent authority to prescribe norms of selection. What is required is that the norms must be specified in advance and the candidates should be aware of the procedure of selection and they should not be put to surprise by introducing certain requirements at the last minute. In the instant case, the recruitment notification clearly specifies that the candidate must secure minimum 40% in the written examination to acquire eligibility. This restriction was equally

made applicable to home guards competing for police constable post. Thus petitioner was aware of the cut off mark prescribed and admittedly he did not secure minimum marks required. Having participated in the selections with his eyes wide open on the conditions of recruitment process, merely because there are vacancies unfilled for Home guards category cannot give him a right to seek appointment even though he did not secure minimum cut off marks. The selection has to be governed by recruitment notification and the rules governing the post. No precedent decision of the Government is shown relaxing the minimum marks required after the selection process was completed to any particular category of persons participated in the recruitment to the post of Police constables, such as Home Guards etc. The relaxed standard of eligibility for the BCs, SCs/STs and Ex-servicemen was in accordance with the rules governing the recruitment and the recruitment notification clearly specifies. There is no challenge to the conditions imposed in the recruitment notification. At any rate no comparison can be made by the Home Guards with those categories.

8. As noted above, having participated in the selections, it is not open to the petitioner to seek relaxation of minimum standards prescribed. Therefore, I see no merit in the contentions urged and the writ petition is liable to be dismissed.

9. Accordingly, the Writ Petition (Tr) is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition (TR) shall stand closed.

20th July, 2017
Rds

P.NAVEEN RAO,J

