

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

Coram:

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

Writ Petition Nos.29407, 30082, 32710 and 36700 of 2016

W.P.No.29407 of 2016

Between:

1. Toleti Rama Mangayya Naidu,
2. Chimala Narendra
3. Gandrothu Durga
4. Akula Gopalakrishna
5. Shaik John Saidulu
6. Thota Ananda Kumar
7. Bonige Jeevan Prem Kumar
8. Karibandi Venkata Chakra Bangaram
9. Tallapragada Satish Kumar
10. Ruddarraju Mahesh Varma
11. Gunnam Babji
12. Bodapati Venkat Rao
13. Vedala Sulochana Rani
14. Gelam Jagan Mohan Rao
15. Balam Vijaya Kumar
16. S.K. Kalesha
17. Velubudi Dhana Raju
18. M. Veeramatha

All are residents of West Godavari District

... Petitioners

Vs.

1. The High Court of Judicature at Hyderabad
For the State of Telangana and the State of
Andhra Pradesh, represented by its Registrar
(Administration), Hyderabad

2. The High Court of Judicature at Hyderabad
For the State of Telangana and the State of
Andhra Pradesh, represented by its Registrar
(Recruitment), Hyderabad.
3. The District and Sessions Judge, represented
By its Principal District Judge, West Godavari
District

... Respondents

W.P.No.30082 of 2016

Between:

1. Badeti Naresh,
2. Nadapana Jhancy
3. Pydi Appala Raju
4. Nalluri Ravi Kumar
5. Ch. Eswari Kumari
6. B. Venkata Surya Chandra Rao
7. Poleti Ganesh
8. Manupati Lakshmi Durga

Vs.

... Petitioners

1. The High Court of Judicature at Hyderabad
For the State of Telangana and the State of
Andhra Pradesh, represented by its Registrar
(Administration), Hyderabad
2. The High Court of Judicature at Hyderabad
For the State of Telangana and the State of
Andhra Pradesh, represented by its Registrar
(Recruitment), Hyderabad
3. The District and Sessions Judge, represented
By its Principal District Judge, West Godavari
District

... Respondents

W.P.No.32710 of 2016

Between:

1. Peruboina Naresh Kumar
2. Karri Indira Kumari
3. Sarilla Mariyamma

4. Lachireddi Gunnam Dharma Teja
5. Dharavathu Sathi Pandu
6. Bhukya Anjaneyulu
7. Moka Durga
8. Golla Gowri Shankara Rao
9. Kolli Jogeswarai
10. Elaparthi Bhushan Kumar
11. P. Hanuma Chittala
12. Paidi Soma Sekhar
13. Karri Bala Krishna Reddy
14. Kopisetti Naga Divya
15. Maney Hima Bindu
16. Kota Chitti Babu
17. Manchala Theresa
18. Karinki Dhanalakshmi
19. Harizunnisa
20. Sravanam Om Sakunthala Gayathri
21. Shaik Moulali
22. Abbireddy Baby
23. Vakala Naga Satyanarayana
24. Kaja Ravi Krishna
25. Godi Ganga Bhavani
26. Kukkala Ravi

... Petitioners

Vs.

1. The High Court of Judicature at Hyderabad
For the State of Telangana and the State of
Andhra Pradesh, represented by its Registrar
(Administration), Hyderabad
2. The High Court of Judicature at Hyderabad
For the State of Telangana and the State of
Andhra Pradesh, represented by its Registrar
(Recruitment), Hyderabad
3. The District and Sessions Judge, represented
By its Principal District Judge, West Godavari
District

... Respondents

W.P.No.36700 of 2016

Between:

Gantasala Suresh Chandra, S/o Yesobu,
Hindu, aged about 28 years, R/o D.No.7-4,
Main Street, Anumajipalem village, Iragavaram
Mandal, West Godavari District

... Petitioner

Vs.

1. The High Court of Judicature at Hyderabad
For the State of Telangana and the State of
Andhra Pradesh, represented by its Registrar
(Administration), Hyderabad

2. The High Court of Judicature at Hyderabad
For the State of Telangana and the State of
Andhra Pradesh, represented by its Registrar
(Recruitment), Hyderabad

3. The District and Sessions Judge, represented
By its Principal District Judge, West Godavari
District

... Respondents

For Petitioner : Mr.S. Krishna Murthy,

For Respondents : Sri T. Vinod Kumar, standing
Counsel for Commercial Tax

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

HON'BLE MS. JUSTICE J. UMA DEVI

Writ Petition Nos.29407, 30082, 32710 and 36700 of 2016

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

Aggrieved by the cancellation of a selection made to 69 posts of Office Subordinates (Attenders) in the unit of the District Judge, West Godavari District at Eluru, the petitioners, who were successful in the selection, have come up with the above writ petitions.

2. Heard M/s. K. Satyanarayana Murthy and Mr. S. Sridhar, learned counsel appearing for the petitioners and Mr. Posani Venkateswarlu, learned standing counsel appearing for the High Court.

3. By a notification dated 01-05-2015, the Principal District Judge, West Godavari District at Eluru invited applications from eligible candidates for selection to the 69 posts of Office Subordinates (Attenders) in his Unit. The selection was to be based only upon oral interview, as per the clauses contained in the notification.

4. It appears that about 14,959 candidates applied, out of whom the applications of about 13,740 candidates were accepted. When all of them were invited for oral interview, 10,727 candidates appeared. After conclusion of the interviews, the Principal District Judge, prepared a merit list in the ratio of 1:3. The said list, along with a consolidated merit list of 207 candidates in the descending order of merit was sent to the High Court.

5. By the proceedings dated 07-12-2015, the Registrar (Recruitment) communicated to the Principal District Judge, the approval of the High Court for the appointment of 69 candidates from out of the said list and the District Judge was also directed to issue appointment orders to all the candidates.

6. However, before the issue of actual appointment orders, the High Court took a decision to direct the cancellation of the selection. Accordingly, the Principal District Judge issued a cancellation notification dated 04-08-2016. Questioning the decision to cancel the selection, the petitioners are before us.

7. The Registrar (Recruitment) of the High Court has filed a common counter affidavit. In the common counter affidavit, it is stated that in the matter of selection of Office Subordinate (Attender), large scale irregularities were reported from several Districts and that therefore, the High Court took a uniform decision to cancel the selection process undertaken in all the Districts except West Godavari District. The High Court then constituted a Committee of Judges to examine the rules and procedures and to consider whether any amendments are required to ensure a fair and transparent process of selection. Based on the recommendation of the Committee of the Judges, the High Court cancelled the selection even in West Godavari District, in order to maintain uniformity.

8. In the light of the stand taken by the Registry, the contentions of the learned counsel for the petitioners are:

- 1) that as per the Recruitment Rules, as well as clause 15 of the notification for recruitment, the District Judge is the appointing

authority to take any decision and hence, his decision cannot be annulled by the supervisory jurisdiction of this Court;

- 2) that merely because irregularities were noticed in the selection made in other Districts, the same cannot be a ground for cancelling the selection in West Godavari District also;
- 3) that the order cancelling the selection does not contain any reasons and hence, it is violative of the principles of natural justice; and
- 4) that the cancellation of selection was done in an arbitrary manner offending Article 14.

9. We have carefully considered the above submissions.

10. It is true that the Principal District Judge is the appointing authority for the post of Office Subordinates in his Unit. But it was made clear even in clause 13 of the notification for recruitment that the selection would be made subject to the approval of the High Court. The High Court, both under the Constitution as well as under the Special Rules for State Judicial Ministerial Service, exercises supervisory control, which would include a power to ensure that the selection of persons to various posts is made in a fair and transparent manner. As explained in the counter affidavit, the High Court noticed the commission of serious irregularities in several Districts in the matter of selection of Office Subordinates. Therefore, a Committee of Judges was constituted and the Committee made recommendations for ensuring a fair and transparent process of recruitment. It is only on the basis of an objective analysis by a Committee of Judges that the decision was taken to cancel the

selection. Therefore, the decision can neither be termed as arbitrary nor be called as one where the power of the appointing authority was sought to be curtailed.

11. It is true that no specific irregularities were noticed by the High Court in the matter of selection of Office Subordinates in West Godavari District. But it is not possible for the Registry of the Court to go on a case to case basis. If a decision is taken to maintain uniformity and to avoid any allegation of discrimination, the same cannot be assailed on the ground that in respect of one District, there were no allegations of irregularities. The time tested principle of law that justice should not only be done but also appeared to have been done, would apply equally to cases of this nature.

12. The principle that the non recording of reasons by an administrative authority for its decision would be violative of the principles of natural justice, cannot be invoked in a case of this nature. The decision of the Constitution Bench of the Supreme Court in **S.N. Mukherjee v. Union of India**¹, cannot go to the rescue of the petitioners. While dealing with the case of an individual who was imposed with a punishment by General Court Martial, the Supreme Court observed in the said decision that the requirement to record reasons can be regarded as one of the principles of natural justice. But the Court was dealing in that case, with the case of an administrative authority exercising quasi-judicial functions in the said case. But in cases of this nature, where the entire selection is

¹ AIR 1990 SC 1984

cancelled for reasons, which are fairly objective, the said principle will not have any application.

13. Reliance is placed on a decision of the Supreme Court in ***Sankarsan Dash v. Union of India***² to drive the home point that an arbitrary exercise of power cannot stand scrutiny. According to the learned counsel for the petitioners, the cancellation of the selection was arbitrary.

14. But we do not think so. Paragraph 6 of the counter affidavit narrates the circumstances under which the selection was cancelled. We do not find that there was anything arbitrary in the decision taken by the Court.

15. As a matter of fact we should point out that for appointment to 69 posts, 13,740 candidates had applied. The only method of selection was by oral interview. Though the post for which recruitment was sought to be made was only the post of Office Subordinate, the attempt to shortlist candidates only on the basis of oral interview, can sometimes come under the cloud of suspicion. The selection of 69 candidates from out 13,000 candidates only on the basis of performance in oral interview, may not really be considered to be the best method of selection. Therefore, if a policy decision had been taken by the Court to cancel the selection so that a scientific method of selection could be evolved, the same cannot be said to be arbitrary. More over as rightly pointed out by the respondents, a mere inclusion in the select list does not confer any right upon a candidate to seek appointment. This principle has been

² (1991) 3 Supreme Court Cases 47

reiterated in any number of decisions of the Supreme Court. The proposition is too well settled that it does not require any stand.

Therefore, in the result, we find no illegality in the action of the respondents in cancelling the selection. Hence, all the writ petitions are dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 24-03-2017

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J. UMA DEVI, J