

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

+ Writ Petition No.39040 of 2017

% Date: 23-11-2017

- # 1. P.Venkata Ramana, S/o Narasaiah, Aged 24 years,
Occ: Student, Peddaorampadu Village,
Obulavaripalli Mandal, Kadapa District, A.P.,
2. Malluri Reddy Vara Prasad
3. Battula Prathap Kumar
4. P.Rajesh Babu
5. K.Penchalaiah

... Petitioners

Vs.

- \$ 1. The State of A.P., Rep. by its Prl. Secretary,
General Admn., Secretariat, Velagapudi, Guntur Dist.
2. The APPSC, Prathibha Bhavan, M.J. Road,
Hyderabad-500 001, Rep. by its Secretary

... Respondents

! Counsel for Petitioners: Mr. U.D. Jai Bhima Rao

Counsel for Respondent No.1: Government Pleader for
Services-I (Andhra Pradesh)

Counsel for Respondent No.2: Mr. C.Srinivasa Baba,
Standing Counsel

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> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

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Order: (per V.Ramasubramanian, J.)

Aggrieved by the dismissal of the original application by the Andhra Pradesh Administrative Tribunal, Hyderabad, the petitioners who applied for selection to Group-II Services in the State, have come up with the above writ petition.

2. Heard Mr. U.D. Jai Bhima Rao, learned counsel for the petitioners and Mr. C.Srinivasa Baba, learned Standing Counsel for the A.P. Public Service Commission.

3. By a Notification bearing No.18/2016, dated 08-11-2016, the Service Commission invited applications for appointment to Group-II Services, both on the executive side and on the non-executive side. Paragraph-12 of the Notification which contained the procedure of selection, indicated that in the screening test, candidates will be picked up in the ratio of 50 per one notified post for the main examination in the order of General Merit. However, the Notification did not prescribe the minimum pass mark in the screening test.

4. The petitioners who belong to the Scheduled Castes, filed an application before the A.P. Administrative Tribunal contending that mere prescription of the ratio of 1:50 without applying the scheme of reservation at the stage of screening test, may eventually result in the reserved categories being edged out of selection in total. This would not happen if in the

screening test, a minimum qualifying mark alone is prescribed. Since the screening test is made a competitive examination, and also since 1:50 ratio is prescribed for all candidates put together, the petitioners apprehended that the benefit of reservation, will not be available to candidates. However, the Tribunal dismissed the application, on the basis of a judgment of this Court in **S.Jaffar Saheb v. State of Andhra Pradesh** [1985(2) APLJ 380]. The said judgment was also confirmed by the Supreme Court in the decision in **A.P. Public Service Commission v. Baloji Badhavath** [(2009) 5 SCC 1].

5. Aggrieved by the said order of the Tribunal, the petitioners have come up with the above writ petition.

6. We have no quarrel with the primary contention of the petitioners that if 1:50 ratio is applied at the stage of screening, there is a possibility that one reserved category, may get completely edged out. The ratio in **A.P. Public Service Commission v. Baloji Badhavath**, would apply to cases where a minimum qualifying marks are prescribed. Wherever minimum qualifying marks are prescribed, even the reserved category candidates are obliged to secure such a minimum qualifying mark.

7. But where the short-listing of the candidates on the basis of screening test is purely on the basis of competition which is restricted to a ratio of 1:50, the same may at times result in injustice to the reserved categories. Therefore, on principle, the contention of the petitioners may be right.

8. But what has happened in this case in practical terms is that in the screening test, candidates belonging to the Scheduled Castes in the ratio of more than 1:50 have been short-listed. The learned Standing Counsel appearing for the Public Service Commission today produced a tabular column containing the statistics with regard to selection of candidates community wise. Out of the total number of 982 vacancies for filling up of which the Notification was issued by the Public Service Commission, 85 posts were reserved for Scheduled Castes, and a total of 1,16,180 candidates belonging to the Scheduled Castes took the examinations. Out of these candidates, a total of 8,262 candidates have been short-listed for the main examination from among the Scheduled Castes. In other words, the number of candidates short-listed in the screening test from among the Scheduled Castes' candidates is 1:97. Therefore, the apprehension with which the petitioners went before the Tribunal, has not come true. In such circumstances, we do not think that the dismissal of the original application has caused any harm or prejudice to the petitioners. Hence, the writ petition is dismissed. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

M.GANGA RAO, J.

23rd November, 2017.
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(per VRS, J.)



23rd November, 2017.
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