

THE HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.3695 of 2018

ORDER: (Per the Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner has challenged the order dated 20.11.2017 passed in O.A.No.3142 of 2016 by the Andhra Pradesh Administrative Tribunal, Hyderabad, whereby the Tribunal held that the recruitments which were settled long ago cannot be unsettled after a long lapse of time and that the merit list cannot be operated as perennial source of recruitment and that even based upon the principle laid down by the Apex Court in **Londhe Prakash Bhagwan v. Dattatraya Eknath Mane and others**¹, the relief cannot be granted as the recruitments were completed long ago.

2. The case of the petitioner is that he belongs to OC category and applied for the post of Junior Lecturer in Mathematics in Zone-III pursuant to Notification No.19 of 2008 and participated in selection process. The petitioner secured 380.50 marks out of 500 marks in written and oral tests. But he could not be selected due to lack of merit. However, another OC candidate from Zone-III, who secured 393 marks, did not join the said post. Therefore, as per Rule 7 of APPSC Rules of Procedure, the respondents ought to have given appointment to the next meritorious candidate, i.e., petitioner herein.

3. Vide order dated 28.06.2018, this Court directed the respondents to take instructions whether the OC candidate from

¹ (2013) 10 SCC 627

Zone-III, who secured 393 marks more than the petitioner herein, is joined or not.

4. On 05.07.2018, when the matter was taken up, there are no instructions from the side of the respondents.

5. Learned counsel appearing on behalf of the petitioner has produced before this Court the document of Andhra Pradesh Public Service Commission taken from the website, whereby it is established that after notification No.19 of 2008, till date, the vacancy of Junior Lecturer in Mathematics in Zone-III is not filled up since the OC candidate, who secured 393 marks, did not join. Therefore, nothing would be unsettled.

6. In view of the above, we hereby direct the respondents to give appointment to the petitioner as Junior Lecturer in Mathematics, within four weeks from the date of receipt of a copy of this order. We hereby made clear that the petitioner shall be entitled for all consequential benefits, except wages.

7. Accordingly, the Writ Petition is allowed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

12th July, 2018

sj