

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.10111 OF 2018

O R D E R

Respondent No.3 – State of Telangana, represented by the Inspector General of Police, Intelligence, issued notification vide memorandum in Rc.No.370/A2/2018 dated 20.01.2018, calling for nominations for appointment by transfer, for filling up the vacancies of Assistant Analytical Officers (I.D. Assistant) in the Intelligence Department. In respect of age limit, in the notification, it is indicated “that no person shall be eligible who have completed 32 years of age as on 30.06.2017”. Pursuant to the said notification, petitioners, who have been working as Police Constables, submitted their nominations, as they fulfill the age and other criteria. In partial modification of the earlier notification dated 20.01.2018, 3rd respondent, issued revised notification vide memorandum in Rc.No.370/A2/2018 dated 13.02.2018, wherein in respect of age criteria, it is mentioned that “no person shall be eligible who has completed 32 years of age as on 01.07.2018”. The grievance of the petitioners is that by change in cut off date with regard to age from ‘30.06.2017’ to ‘01.07.2017’, they have become ineligible, and thus are being deprived of opportunity. Ventilating their grievance, they made representation dated 22.03.2018 to the 2nd respondent – Director General of Police, to consider their nominations, taking into consideration the age criteria fixed in the initial notification dated 20.01.2018. Aggrieved by the inaction of the respondents in considering their representation, present writ petition is filed.

This court on 28.03.2018 passed the following interim order:

“The process of selection initiated, pursuant to memorandums dated 20.01.2018 and 13.02.2018, is subject to further orders in this behalf.”

Learned counsel for the petitioners would submit that Rule 6 of Andhra Pradesh Police (Intelligence) Subordinate Services Rules, 1999 (for short 'the Rules') as amended by G.O.Rt.No.643 Home (Legal-II) Department, provide different criteria in respect of age limit, for appointment by transfer and by direct recruitment. Learned counsel contended that it is settled principle of law that cut-off date cannot be changed after commencement of recruitment process, therefore, change in cut off date with regard to age, by subsequent notification, cannot deprive the petitioners, who are found eligible under the initial notification dated 20.01.2018. Therefore, he sought for a direction to the respondents to consider the nominations of the petitioners', considering their age, as per the initial notification dated 20.01.2018.

On the other hand, learned Assistant Government Pleader for Services submit that since the initial notification dated 20.01.2018, with regard to age, is not in tune with the proviso to Rule 6 of the Rules contained in G.O.Ms.No.168 dated 25.05.1999 as amended by G.O.Ms.No.411 dated 25.09.2009, revised notification was issued. Therefore, he submits that this court may not interfere with the revised notification.

In this case it is to be seen that the Rules were framed under G.O.Rt.No.168 Home (Police-A) Department dated 25.05.1999. By virtue of amendment under G.O.Rt.No.643 Home (Legal-II) Department dated 10.05.2007, Rule 6, was substituted as under:

"No person shall be eligible for appointment by transfer, if he has completed 28 years and in the case of by direct recruitment, if he has completed 28 years of age on the 1st day of July of the year in which the notification for selection is made ."

By virtue of subsequent amendment under G.O.Ms.No.411 Home (Legal.II) Department dated 25.09.2009, proviso to above Rule 6 was added, which reads as follows:

“Provided that a person who has not completed 32 years of age on the first day of July of the year in which the notification for selection is made shall be eligible for appointment to the post of Intelligence Branch Assistant.”

It is to be seen that without amendment to Rule 6, by virtue of G.O.Ms.No.411 dated 25.09.2009, proviso was added, which is not clear whether the said proviso is applicable to both direct recruitment and to appointment by transfer.

Learned counsel for the petitioners submit that there are number of vacancies and the petitioners made representation dated 22.03.2018 to the 2nd respondent for considering their cases as per the initial notification dated 20.01.2018.

Learned Assistant Government for Services, on instructions, did not dispute with regard to existence of number of vacancies.

In view of the facts and circumstances, 2nd respondent is directed to consider the representation of the petitioners dated 22.03.2018 and take appropriate action in accordance with law. Till then, ten posts of Assistant Analytical Officers (I.D. Assistant), shall be kept vacant.

Writ petition is accordingly disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:06—04—2018
AVS