

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

WRIT PETITION NO.32609 OF 2016

ORDER: (per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

1. The petitioners have filed this Writ Petition challenging the notification dated 17.09.2016 issued by the State Level Police Recruitment Board of the State of Andhra Pradesh for recruitment to various categories of Sub-Inspectors of Police to the extent it restricts the special category of 'Police Executive' to only police constables working in Andhra Pradesh Police Department.

2. The petitioners were appointed and are working in Hyderabad as police constables. They aspired to be counted, on the basis of nativity, as eligible to compete as local candidates for recruitment to the category of Sub-Inspectors in the State of Andhra Pradesh. While the petitioners attempt to point out that there is conflict between the provisions of the Recruitment Rules and the effect of decisions on reorganization, including the Presidential Order, we see that the issue sought to be raised is one that falls within the purview of the Administrative Tribunals Act, 1985 and hence, within the jurisdiction of the A.P. Administrative Tribunal, which has jurisdiction over the matter.

3. The law laid down by the Apex Court in **L. Chandra Kumar v. Union of India**¹ includes the principle that it will not be open for the litigants to directly approach the High Court, by overlooking the jurisdiction of the concerned Tribunal, even in cases where they question the vires of legislations except where the legislation

¹ AIR 1997 SC 1125

which creates a particular Tribunal is under challenge. That is not the case herein. Therefore, the issue sought to be raised in this Writ Petition can be agitated, at the first instance, only before the A.P. Administrative Tribunal.

4. For the aforesaid reasons, without expressing anything on the merits of the claims of the petitioners, this Writ Petition is closed without prejudice to the petitioners seeking relief in accordance with law from the A.P. Administrative Tribunal. We notice that there are interlocutory orders governing the parties in this Writ Petition. In exercise of the authority under Article 227 of the Constitution of India, it is ordered that those interlocutory orders would continue to govern the parties for a period of three months from now or until the Administrative Tribunal passes such orders as may be found necessary at that end, whichever is earlier.

5. The miscellaneous petitions pending, if any, shall stand closed. No costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

RAMESH RANGANATHAN, J

Date: 16.07.2018.

MRKR/CS