

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI**WRIT PETITION No.33249 OF 2018****ORDER:**

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in fixing the maximum age limit as 39 years in the notification dated 31.8.2018 for recruitment to the post of Junior Panchayat Secretary in contravention to the Adhoc rule issued by the Government in G.O.Ms.No.190, GAD, dated 8.8.2017, thereby defeating the petitioner to appear for process of selection to the said post of Junior Panchayat Secretary, as illegal, and arbitrary, and consequently, to direct the respondents to permit the petitioner to appear for process of selection to the post of Junior Panchayat Secretary, by duly taking the maximum age limit as prescribed in the adhoc rule issued in G.O.Ms.No.190, GAD, dated 8.8.2017 with all consequential and attendant benefits.

2. Heard Sri J. Konda Reddy, learned Counsel for the petitioner and the learned Government Pleader for Services II.

3. It has been contended by the petitioner that he is fully eligible and qualified to be appointed as Junior Panchayat

Secretary, and that the respondents have issued notification dated 31.8.2018, and that the maximum age prescribed in the said notification is 39 years whereas as per adhoc rules issued in G.O.Ms.No.190, dated 8.8.2017, the upper age limit has been enhanced to 44 years, and that the respondents are conducting selections to the post of Junior Panchayat Secretary without taking into account the adhoc rules issued by the State Government in G.O.Ms.No.190, dated 8.8.2017, and if the adhoc rules are taken into account, the petitioner would be eligible to appear for selection for the post of Junior Panchayat Secretary.

4. The learned Counsel for the petitioner submitted that on 14.9.2018 while issuing notice before admission, this Court was pleased to issue interim direction to the respondents to receive the manual application of the petitioner and permit him to participate in the selection for the post of Junior Panchayat Secretary, while further directing the respondents not to announce the result of selection until further orders. He further submitted that in pursuance of the interlocutory order, the petitioner was permitted to participate in the selection process and in the

first week of November, result of the said selection would be published, and if the result of the petitioner is withheld, his interest will be jeopardized, and his case may not be considered for appointment to the post of Junior Panchayat Secretary.

5. The learned Government Pleader has contended that the case of the petitioner will be considered by duly extending the benefit of adhoc rules issued in G.O.Ms.No.190, dated 8.8.2017. He further contended that the candidates, who have approached this Court, were allowed to participate in the selection process in pursuance of the interlocutory order passed by this Court, and that the extension of the benefit of G.O.Ms.No.190 dated 8.8.2017 is confined only to the petitioner, who approached this Court.

6. Having considered the rival submissions made by the parties, this Court is of the view that this writ petition can be disposed of directing the respondents to declare the result of the selections conducted in pursuance of the notification dated 31.8.2018 and consider the case of the petitioner, if he is eligible and he comes within the zone of selection for the post of Junior Panchayat Secretary.

7. Accordingly, the Writ Petition is disposed of directing the respondents to declare the result of the selections conducted in pursuance of the notification dated 31.8.2018 and consider the case of the petitioner, if he is eligible and he comes within the zone of selection for the post of Junior Panchayat Secretary. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 2nd November, 2018.
Nn.



HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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02/11/2018

Nn.