

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.21008 OF 2019

ORDER:

This Writ Petition is filed to declare the action of the official respondent Nos.2 and 3 in sending the list of advocates without including the name of the petitioner, without following the rule of reservation as mentioned in G.O.Ms. No.187 Law (L) Department dated 06.12.2000 for the post of Additional Public Prosecutor in VIII Additional District and Sessions Court, Miryalaguda, as being illegal, arbitrary and unconstitutional.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Home.

The grievance of the petitioner is that he is an Advocate practicing at Miryalaguda and belongs to Scheduled Tribe and intends to be appointed as an Additional Public Prosecutor in the VIII Additional District & Sessions Court, Miryalaguda. The main contention of petitioner is that while forwarding the short listed names to the Government, the District Collector did not include the name of the petitioner, though he is otherwise qualified and the Authority did not comply with the Rule of Reservation as mentioned in G.O.Ms. No.187. Though, it is claimed that the petitioner has submitted his candidature for being appointed as Additional Public

Prosecutor, the petitioner neither filed the proof of filing of such application nor the petitioner meeting the prescribed criteria, for being recommended for appointment as Additional Public Prosecutor, has been placed before this Court. The Present Writ Petition is filed on the basis of the representation dated 15.09.2019 which is stated to have been made by the petitioner to the District Collector, Nalgonda, whereby the petitioner expressed his grievance to the District Collector for forwarding the list. The petitioner claims that the action of District Collector in forwarding the list of Advocates to be in contravention of G.O.Ms. No.187 dated 06.12.2000.

In order to appreciate the contention of the learned Counsel for the petitioner, it is to be seen that the G.O.Ms. No.187 under clause 7 dealing with the guidelines for selection of Law Officers states that as far as such selection should be in accordance with the guidelines specified thereunder. One of the guidelines specified in clause 7 of the said G.O. reads as under:

“In making the selection, every endeavour shall be made to provide equitable representation to members of Scheduled Castes, Scheduled Tribes and Backward Classes in accordance with the ratio of 15%, 6% and 25% respectively”.

The petitioner claims that the District Collector while forwarding the names of the candidates, did not follow the

said condition of the G.O. by applying the percentage prescribed for selection of candidates as specified therein. The said submission of the learned Counsel for the petitioner is without merit for the reason that the said condition is required to be applied at the stage of selection of Law Officers. The District Collector was merely forwarding the recommendation as received by him to the Government and the selection would be made on the basis of equitable representation, from the names as forwarded to the Government. The mere forwarding of the names by the Collector cannot be equated to the process of selection as envisaged in the G.O. The said submission of the learned counsel for the petitioner would also fail for the reason that there is only one Additional Public Prosecutor before the concerned court for which names have been forwarded by the District Collector and the Rule as specified in the G.O. cannot be made applicable while forwarding the names.

Having regard to the above, the Writ Petition is without merit and is accordingly, dismissed. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

T. VINOD KUMAR, J

Date: 04.12.2019

MRKR