

High Court for the State of Telangana

The Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A. Abhishek Reddy

W.P. No. 4674 of 2020

Date: 06-03-2020

Between:

K. Rajender

...Petitioner

And

The State of Telangana
Rep. by its Chief Secretary,
LAW (LA & J SC.F) Department,
Secretariat, Hyderabad and another

...Respondents

Counsel for the petitioner: Mr. Prashant Surepalli

**Counsel for the respondents: GP for Law & Legislative Affairs
Mr. Anand Kumar Kapoor**

The Court made the following:

Order: (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

The petitioner has challenged the notification dated 20-02-2020, issued by respondent No. 2.

The main grievance of the petitioner is that the impugned notification does not provide any opportunity to the persons working in the State/Central Government, who possess a degree in Law of a University in India, and that a maximum age limit of 40 years in case of persons belonging to the Scheduled Caste, Scheduled Tribe, or Backward classes, has been fixed. Therefore, he prays that the notification should be declared as unconstitutional, arbitrary and illegal.

The learned counsel for the respondent No. 2 submits that nowhere in the petition has the petitioner stated that he has a LL.B. degree. Moreover, even a copy of the LL.B. degree has not been submitted along with the petition. Most importantly, the petitioner admits that although he belongs to the Scheduled Caste Community, although the age relaxation has been given under the notification, but he is almost 41 years old, whereas the age relaxation is only upto 40 years. Therefore, according to the learned counsel, no relief can be given to the petitioner.

On the other hand, the learned counsel for the petitioner submits that even if the petitioner is 41 years old, considering the fact that he is working as a Police Constable, he should be considered in the category of appointment by transfer. Moreover, since he is working as a Police constable, he should be considered as an in-service candidate.

Heard both the learned counsel for the parties, and perused the impugned notification.

A bare perusal of the entire writ petition clearly reveals that nowhere has the petitioner stated that he is a LL.B. degree holder. In fact, no such degree has been produced by the petitioner before this Court. According to the notification, an appointment can be made either on the basis of direct recruitment, or on the basis of recruitment by transfer, but in both these categories, the person should be a LL.B. degree holder. Therefore, obviously, the petitioner does not satisfy the educational qualification required for the said post.

Moreover, for the petitioner to fall within the category of recruitment by transfer, he should be working in any of the posts mentioned under the head 'Eligible Categories' in the notification. According to the notification, the accrued categories are as under:

Eligible categories to apply under Recruitment by Transfer:

- i) *Section Officers, Court Officers, Scrutiny Officers, Accounts Officer, Court Masters, Personal Secretaries to Hon'ble Judges, Personal Secretaries to Registrars, Translators and Deputy Section Officers, Overseer, Assistant Section Officers, Computer Operators, Assistant Librarian, U.D. Stenos, Assistants, Readers and Examiners, Telex Operator, Telephone Operator, Typists and Copyists of the High Court for the State of Telangana, Hyderabad.*
- ii) *Chief Administrative Officers, Senior Superintendents, Superintendents, Stenographers Grade-I, II & III, Senior Assistants, Junior Assistants and Typists of the Judicial Ministerial Service of the State of Telangana.*
- iii) *Assistant Public Prosecutors, Senior Assistant Public Prosecutors, Additional Public Prosecutors Grade-II; of Prosecution Services of the State of Telangana;*
- iv) *Section Officers in the Law Department of Secretariat of the State of Telangana.*
- v) *Section Officers in the Legislature Department of the State of Telangana; and*
- vi) *Managers of the offices of the Advocate General; Government Pleaders and Public Prosecutors of the State of Telangana;*

Provided further that no person shall be eligible for appointment to the category under direct recruitment or recruitment by transfer if:

1. *is not a citizen of India;*
2. *is dismissed from service by any High Court, Government and Statutory or Local Authority;*
3. *convicted of an offence involving moral turpitude;*
4. *is or has been permanently debarred or disqualified by the High Court or Union Public Service Commission or any State Public Service Commission or any other recruiting authority from appearing for examinations or selections conducted by it;*
5. *directly or indirectly influences the recruitment authority by any means for his candidature;*
6. *has more than one living spouse;*
7. *marries knowingly a person having a spouse;*
8. *is arrested in connection with any crime involving moral turpitude.*

All the candidates applying for the posts of Civil Judge under direct recruitment and recruitment by transfer, must be able to read and write the Telugu language.

However, the petitioner does not work in any of the posts as mentioned in the notification. Admittedly, he is serving in the police force as a police constable. Therefore, the petitioner lacks

the eligibility requirement as specified in the notification. Hence, no relief can be given to the petitioner by this Court.

For the reasons stated above, this Court does not find any merit in the present writ petition. It is, hereby, dismissed.

As a sequel, miscellaneous petitions, pending if any, stand dismissed as infructuous.

(Raghvendra Singh Chauhan, CJ)

(A. Abhishek Reddy, J)

Dt: 04-03-2020
lur

