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R.R. KULASEKHARAN

v.

A.P.P.S. COMMISSION AND ORS

NOVEMBER 24, 1994

B

[K. RAMASWAMY AND N. VENKATACHALA, JJ.]

Service Law:

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Appointment—Reservation—Non-availability of local candidates belonging to particular reserved group—Option to be given to persons belonging to that particular group from other zones.

On the question of the procedure to be adopted in the matter and appointment of particular reserved group when such local candidates are not available, this Court

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HELD: With a view to give effect to the object of reservation and filling of the posts from the candidates belonging to the particular group, it would be necessary in future to evolve the principle i.e. in case a local candidate belonging to the particular reserved group is not available, the Government and the PSC should give option to the candidates belonging to that particular group from other Zones to claim consideration of their cases as non-local candidates and in that event the person/persons securing higher marks could be considered in the order of merit and appointments be made. This principle, if adopted, will give effect to the object of giving adequate representation in the service to the particular group in the proportion contained in the roster. Equally in case of Scheduled Caste and Scheduled Tribe candidates, even after resorting to limited recruitment, if local candidates are not available, the above procedure could be adopted, so that, adequate representation to them also could be given. [89 E to H]

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CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 9250-51 of 1994.

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From the Judgment and Order dated 3.5.93 of the Andhra Pradesh Administrative Tribunal at Hyderabad in O.A. Nos. 47322/91 and 5668 of 1992.

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K. Madhava Reddy, D. Prakash Reddy, Mrs. Rani Chhabra (N.P.) for the Appellant.

V.R. Reddy, Additional Solicitor General, T.V.S.N. Chari, Nikhil A
Nayyar and G. Prabhakar for the Respondents.

The following Order of the Court was delivered :

Leave granted.

We have heard the counsel on both sides. B

Pursuant to our direction dated 21.4.1994, the Secretary, Public Service Commission and also the Chief Conservator of Forests, Govt. of A.P. have stated in their affidavits that in Zone-V only two vacancies were available for BC-A category out of roster points from 52 to 78. Admittedly, the candidates who were appointed have secured higher marks than the petitioner. It is also stated by the Secretary, Public Service Commission that among BC-A category there are candidates who had secured more marks than the petitioner. Therefore, direction cannot be given to consider his case in any event for Zone-V. C

Shri Madhava Reddy, the learned senior counsel seeks to contend that in Zone-IV instead of allotting the post reserved for BC-A from other zones as non-locals, candidates belonging to BC-B were selected and were appointed. The option should have been given to the other BC-A candidates for selection as non-locals to any other zones to which required group from the local candidates were not available instead of selecting the candidates from other groups of local candidates. Though we find force in the contention, since the candidates selected for Zone-IV from BC-B were appointed and they have been functioning, we cannot accede to it. However, we are of the opinion that with a view to give effect to the object of reservation and filling of the posts from the candidates belonging to the particular group, it would be necessary in future to evolve the above principle i.e. in case a local candidate belonging to the particular reserved group is not available, the Government and the PSC should give option to the candidates belonging to that particular group from other Zones to claim consideration of their cases as non-local candidates and in that event the person/persons securing higher marks could be considered in the order of merit and appointments be made. This principle, if adopted, will give effect to the object of giving adequate representation in the service to the particular group in the proportion contained the roster. Equally in case of Scheduled Caste and Scheduled Tribe candidates, even after resorting to limited recruitment, if local candidates are not available, the above procedure could be adopted, so that, adequate representation to them also could be given. D
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A On the facts of this case, we do not propose to interfere with the orders under appeal at this distance of time. The appeals are accordingly dismissed. No costs.

G.N.

Appeals dismissed.