

J. ASHOK KUMAR

A

v.

STATE OF ANDHRA PRADESH AND ORS.

FEBRUARY 23, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

B

Service Law :

A.P. Excise Service Rules.

Selection to Group I Service—Direct recruitment—Assistant Excise Superintendent—Weightage of 5% marks to N.C.C. candidates—A candidate with NCC qualification not given the weightage—Tribunal dismissing his petition—Held, the candidate eligible and should have been given the weightage—However since the selection is already over and appointments made, relief not given to the petitioner.

C

CIVIL APPELLATE JURISDICTION : Special Leave to Appeal
(C) No. 1492 of 1994.

D

From the judgment and Order dated 2.8.93 of the Andhra Pradesh Administrative Tribunal, in O.A. No. 17698 of 1991.

L.N. Rao and R.P. Singh for the Petitioners.

The following Order of the Court was delivered :

E

Mr. L.N. Rao, learned counsel appearing for the petitioner contends that under G.O. Ms. No. 1136, dated September 13, 1986 rule 4 of the A.P. Excise Service Rules was amended given weightage of 5% of the marks for selection to an NCC candidate and that the petitioner had appeared for the post of Assistant Excise Superintendent, Group I Service, by direct recruitment. He should have been given weightage of 5% marks and the Tribunal was unjustified in dismissing his petition. We find force in his contention. Any candidate appeared for the selection even for direct recruitment would be eligible to be considered for the weightage provided to candidate having NCC qualification. But since the selection has already been over and candidates were selected and appointed, we cannot give the benefit to the petitioner.

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The Special Leave Petition is accordingly dismissed.

G.N.

Petition dismissed. H