

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4201 OF 2015

(Arising out of SLP (Civil) No. 12662 of 2014)

K. Radhika

.....Appellant

Versus

T. Rajya Laxmi & Others

.....Respondents

J U D G M E N T

Chelameswar, J.

1. Leave granted.
2. All the respondents have been served but none appears for anyone of the respondents.
3. Aggrieved by a judgment of the Andhra Pradesh High Court in Writ Petition No. 37437 of 2012 dated 2nd April, 2014,

the third respondent therein preferred the appeal.

4. The facts leading to the impugned judgment are as follows:

On 27.12.2011, a notification was issued by the office of the Metropolitan Sessions Judge, Hyderabad inviting applications to fill up 5 posts of the Personal Assistants by direct recruitment in A.P. Judicial Ministerial Service, in the unit of Metropolitan Sessions Judge, Hyderabad. The notification prescribed the following qualifications:-

- “1. Must have passed Intermediate Examination conducted by A.P. State Board of Intermediate Education or any equivalent Examination.
 2. Must have passed A.P. Government Technical Examination in English Shorthand by Higher Grade, provided that if candidates, who have passed the examination by the Higher Grade are not available, those who have passed the examination by Lower Grade will be considered.
 3. Must have passed Typewriting examination in English by Higher Grade conducted by the State Board of Technical Education and Training A.P. Hyderabad.
 4. Preference will be given to the persons, who possess Computer knowledge.”
5. 44 candidates applied in response to the notification.

The selection process consisted of a written examination followed by an interview. In the said selection process, the appellant was declared selected.

6. Challenging the selection of the appellant, the first respondent herein filed the above-mentioned writ petition on the ground that the appellant herein was having only the qualification of a lower grade in shorthand whereas the first respondent herein passed the examination in English shorthand by higher grade and, therefore, the selection of the appellant is contrary to the selection process and arbitrary. The High Court allowed the writ petition and recorded as follows:-

“Now, we are called upon to decide whether language of the qualification clause is a mandatory character or not. We are of the view that this clause is mandatory in all sense since words “must have” used in the said notification in clear terms it indicate so. Hence, going thereby first preference shall be given to all the candidates having qualification of Shorthand English by higher grade and in the event no candidate is available from higher grade, next lower grade candidate has to be considered. To be very specific, no initiative shall be made to invite any application from the candidates possessing qualification of English Shorthand by lower grade, until required number of candidates having qualification of Shorthand by lower grade is found to be unsuitable. Thus, at the first instance, respondent no. 3 was not eligible to be considered when a number of Shorthand English by higher-grade candidates were found being considered. Selection ought to have been kept confined to candidates having qualification of English Stenography by higher grade, after having found non-suitability amongst those candidates, candidates of the category of third respondent should have been invited.”

7. We regret to say that it is rather difficult to understand the substance of the above extracted para, we hazard a guess

that in substance, the High Court held that so long as the candidates who have passed the English Shorthand Higher Grade Examination are available, candidates with shorthand lower grade can not be considered.

8. There is no finding by the High Court that suitable candidates with Shorthand higher grade are available. If the procedure required by the High Court was to be followed, there would be avoidable wastage of time.

9. On the other hand, learned counsel for the appellant pointed to the copy of the answer script of the first respondent herein. It consists of innumerable errors. We only hope that it is not the desire of the High Court that such candidates are required to be appointed merely because they have the higher grade qualification. In the circumstances, we are of the opinion that the selection process should not have been interfered with.

10. We, therefore, allow the appeal and set aside the judgment under appeal. No costs.

.....J.
(J. Chelameswar)

.....J.
(Adarsh Kumar Goel)

New Delhi
May 5, 2015



JUDGMENT