

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE No.:

W.P.Nos.1434, 1834, 1997, 2024, 2037, 2039, 2071, 2155, 2156, 2160, 2186, 2257, 2258, 2485, 2508, 2777, 2825, 3020, 3058, 3208, 3214, 3285, 3325, 3392, 3402, 3428, 3635, 3652, 3684, 3790, 4225, 4351, 4481, 4525, 5078 and 6028 of 2025

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
2)	06.05.2025	<u>CGR, J.</u> In all these matters, petitioners, who are working as Home Guards, claim special treatment in pursuance to Rule 3(C),(D)(v) of the Andhra Pradesh Police (Stipendiary Cadet Trainee) Rules, 1999 (for short, “the Rules”), in terms of G.O.Ms.No.97 Home (Legal-II) Department, dated 01.05.2006 and G.O.Ms.No.315 Home (Police-C) Department, dated 13.10.1999, which provided for special category status. In pursuance to notification in Rc.No.161/SLPRB/Rect.2/ 2022, dated 28.11.2022, for selection to the post of Stipendiary Cadet Trainee (SCT) Police Constables (Civil) (Men & Women) and Stipendiary Cadet Trainee (SCT) Police Constables (APSP) (Men) in Police Department, they have special horizontal reservation of 15% and 25% respectively, for which, all of them have applied to. As per the notification, the selection methodology provides for preliminary examination, physical efficiency test,	

followed by final examination. Some of the petitioners have attended to both preliminary examination and as well as physical efficiency test, now at the stage of final examination, they are prevented to appear for the final examination on the ground that they have not met the minimum qualifying marks as prescribed in Note-I, which specify that candidates in order to qualify written examination are required to secure minimum marks of 40% for OCs; 35% for BCs; and 30% for SCs/STs/Ex-Servicemen. Petitioners, however, claim that as they fall under special category, they cannot be subjected to the rigor of securing minimum qualifying marks and are required to be considered for selection based on *inter se* merit. They also contended that even with respect to physical efficiency test, they are supposed to be placed on different pedestal than the fresh candidates, who are competing for general category of posts. Some of the candidates were not allowed to participate in physical efficiency test and some were allowed in pursuance to interim orders passed by this Court.

2. As in all these writ petitions laid challenge to the respondents not providing for special treatment and subjecting them to possess the minimum marks on par with the fresh candidates competing for regular vacancies, the issue requires to be examined in the main writ petitions.

3. Since the respondents scheduled the final examination on 01.06.2025, if the petitioners are not allowed to take the final examination, they would be

denied the opportunity for selection in case they succeed in the writ petitions. Further, the claim of petitioners in all these cases is with respect to the posts, which are specifically earmarked to be filled-up from eligible Home Guards, and there is no *inter se* competition amongst candidates claiming through Home Guards category and those seeking direct selection. Only in case there are no suitable candidates within Home Guards eligible to be considered, these reserved seats would be open to the general category.

4. Learned Government Pleader for Services-I, opposing the plea of petitioners, has contended that petitioners cannot straightaway jump to the final examination without first qualifying in the preliminary examination followed by physical efficiency test and as petitioners have either not qualified in preliminary examination or not qualified in physical efficiency test, cannot be now considered for final examination. He further contended that by allowing petitioners to participate in final examination, there is every possibility of petitioners claiming equity for selection.

5. This Court having given conscious thought to the submissions made, since the writ petitions raise substantial issue, which requires to be considered after detailed hearing and as the respondents are going ahead with final examination scheduled on 01.06.2025, and also keeping in view intervening vacation, this Court is of the *prima facie* opinion that petitioners be allowed to participate in the final examination, subject to further

orders of this Court.

6. Accordingly, the respondents are directed to allow the petitioners to appear for the final written examination scheduled on 01.06.2025, for the post of Stipendiary Cadet Trainee (SCT) Police Constables (Civil) (Men & Women) and Stipendiary Cadet Trainee (SCT) Police Constables (APSP) (Men) in the Police Department, in pursuance to the Notification, dated 28.11.2022, which shall be subject to further orders of this Court. It is made clear that mere participation by petitioners will not confer any benefit or right in their favour to claim selection to the post.

7. Both learned Government Pleader for Services-I and learned Government Pleader for Services-II request further time to file counter-affidavit.

8. Let counter-affidavit be filed within four weeks and reply-affidavit, if any, may be filed within two weeks thereafter.

9. List all these matters after eight weeks

CGR, J.
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