

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: W.P.No.3613 of 2023

PROCEEDING SHEET

Sl.No	DATE	ORDER	OFFICE NOTE
01	17.03.2023	<u>NV, J</u> <u>W.P.No.3613 of 2023</u> Heard learned counsel for the petitioners, learned Government Pleader for Services-I and learned Standing Counsel for APPSC appearing for the respondents. Learned counsel for the petitioners submits that in view of the G.O.Ms.No.57 Home(General.B) Department, dated 13.03.2001, the Ex-servicemen are entitled for relaxation of standard of selection to makeup deficiencies in the reserved quota subject to condition that such relaxation will not effect the level of performance by such candidates. He further submits that the said relaxation in respect of educational qualification is enumerated in G.O.Ms.No.57 dated 13.03.2001 under clause3(i)(A)(B)(C) and the same was reiterated by the Hon'ble Supreme Court in <i>State of Orissa vs. Mohd.Yunus and others</i> (1994 Supp(2) SCC 55). The operative portion of the judgment referred supra reads as follows: <i>“It is stated by Mr.Mehta, learned counsel for the State that the Commission has put a minimum of 780 marks as qualifying marks for the general candidates. The respondent admittedly belongs to the general category.</i>	

		<i>Though three posts have been reserved for ex-servicemen, if a candidate who belongs to ex-servicemen gets eligibility by securing 780 minimum marks, irrespective of the fact whether he/they comes by general selection or not, by virtue of reservation made to the ex-servicemen, he/they become eligible for consideration. This relaxation has been made in contradistinction with other general candidates but for which the respondent would be ineligible. The fixation of the general standard marks prescribed for the general candidates would undoubtedly be a handicap to the ex-service personnel who are made to compete with youngsters after several years of service put in the defence service. The State Government and the Public Service Commission are directed to consider the desirability to fix a lesser standard than that of the general candidates as ex-servicemen have served the nation in its defence and in the process they may not come on a par with the general candidates. Therefore, some relaxation in their behalf would be necessary to meet the exigencies of coping up with the reservation given to them. Otherwise, reservation would be illusory. The State Government in consultation with the Public Service Commission would decide this issue within a period of three months from the date of the receipt of this order and thereafter consider the case of the respondent accordingly."</i> He further submits that pursuant to the notification in O.M.No.150152/8/82Estt(D), dated 12.02.1986 issued by the Govt. of India, Ministry of Personnel, Public Grievances & Pensions (Deptt. Of	
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		Personnel and Training) New Delhi, the State Government has issued the G.O.Ms.No.57 dated 13.03.2001. The Rule 6(a) of the notification dated 12.02.1986 categorically envisages as follows: <i>“Lower Standard for Selection: In the case of directed recruitment, if sufficient number of candidates belonging to the ex-servicemen are not available on the basis of general standard to fill all the vacancies reserved for them. Candidates belonging to the category of ex-servicemen may be selected under a relaxed standard of selection to make up the deficiency in the reserved quota subject to the condition that such relaxation will not affect the level of performance by such candidates.”</i> He further submits that in view of the ratio laid down by the Hon’ble Apex Court as well as the notification issued by the Central Government and also G.O.Ms.No.57 dated 13.03.2001 issued by the 2nd and 3rd respondents, the petitioners, more particularly, the ex-servicemen are entitled for relaxation in respect of minimum qualifying marks in the selection process. Therefore, the petitioners are entitled to participate in the main examination, if their case was considered under relaxed standard of selection as was considered in other nonfictions issued by the High Court of Andhra Pradesh on 21.10.2022 as well as by the Police Recruitment Board on 12.11.2018. Wherein, the authorities considered the case of ex-servicemen not only in respect of relaxation in educations qualifications but also in respect of relaxed standard of selection granted on par with SC, ST reserved category.	
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