

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2888 OF 2007

B.V.S.S.N SITARAMAIAHA & ORS.
APPELLANTS

...

VERSUS

STATE OF A.P. & ORS.

... RESPONDENTS

WITH

C.A.NO. 2889/2007, C.A.NO.2890 OF 2007 AND
C.A.NO. 2891 OF 2007

ORDER

The appellants were not parties before the High Court. They have challenged the judgment dated 12.07.2004 passed by the Andhra Pradesh High Court in Writ Petition No.19590 of 2003 on the ground that the said decision rendered in a case filed by similarly situated Court employees affects them also.

2. Nelluri Jyothi and others were the petitioners in the said writ petition wherein the validity of Clause 1(A) of the High Court Notification No.2/2003-RC dated 11.08.2003 relating to recruitment of Junior Civil Judges was challenged. The said Clause reads as under :

"1. QUALIFICATIONS:

The candidates should possess all the requisite qualifications as indicated below as on the last date of receipt of applications.

(A) DIRECT RECRUITMENT:

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Must have been actually practicing as an Advocate in Court of Civil or Criminal Jurisdiction in India.

Provided that in the case of a person who is already in Government service and who applies for appointment to the post of Junior Civil Judge by Direct Recruitment he/she must have actually practiced immediately prior to the date of his/her entering Government service."

3. The said writ petition was dismissed by the High Court by the impugned judgment on the ground that the prayer sought would amount to seeking a clarification of the judgment of this Court in All India Judges Association case and it may not therefore be proper for it

to express any opinion in the matter. The High Court reserved liberty to the writ petitioners to seek appropriate direction and clarification from this Court. The appellants obtained permission of this Court to file special leave petitions and thereafter special leave has also been granted.

4. However, when the matter came up today, learned counsel for the appellants submitted that their grievance is in regard to the validity of Rules 4(2)(ii) and 12(b) of the Andhra Pradesh State Judicial Service Rules as also Clause 1(A) and (B) of the Notification dated 11.08.2003 issued in terms of the said Rules. As noticed above, the writ petitioners before the High Court challenged neither Rule 4(2)(ii) or Rule 12(b) but had only challenged Clause 1(A) of the Notification. Clause 1(A) is in accordance with Andhra Pradesh State Judicial Service Rules. If the appellants herein want to challenge the said Rules they may do so by filing a writ petition before the High

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Court. They cannot obviously challenge the said Rules, in an appeal filed before this Court challenging an order wherein the validity of those Rules was not in question.

5. Therefore, these appeals are dismissed reserving the liberty to the appellants to challenge the said Rules and any consequential future recruitment notification in accordance with law.

.....J.
(R.V. RAVEENDRAN)

.....J.
(P. SATHASIVAM)

NEW DELHI,
JUNE 20, 2008.

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ITEM NO.105

COURT NO.4

SECTION XIIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2888 OF 2007

B.V.S.S.N. SITARAMAIAHA & ORS.

Appellant (s)

VERSUS

STATE OF A.P. & ORS.

Respondent(s)

(With appln(s) for directions and prayer for interim relief and office report)
WITH Civil Appeal NO. 2889 of 2007, Civil Appeal NO. 2890 of 2007 and
Civil Appeal NO. 2891 of 2007
(With prayer for interim relief and office report)

Date: 20/06/2008 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE P. SATHASIVAM
(VACATION BENCH)

For Appellant(s)

Ms. Promila, Adv.

Mr. Annam D.N. Rao, Adv

For Respondent(s)

Mrs.D. Bharathi Reddy, Adv.

Mr. T.V. Ratnam, Adv

UPON hearing counsel the Court made the following
ORDER

The appeals are dismissed in terms of the signed
order.

(Pawan Kumar)
Court Master
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(Anand Singh)
Court Master

(signed order is placed on the file)