

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.11115-11119/1995

(From the judgment and order dated 15.9.94 in OA No.28493-496/90 of
the A.P. Administrative Tribunal at Hyderabad)

T. VIDYASAGAR & ORS

Petitioner (s)

VERSUS

GOVT. OF A.P. & ORS

Respondent (s)

(For Final Disposal)

Date : 08/12/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s) Mr. H.S. Gururaja Rao, Sr. Adv.
Mr. T.V. Ratnam, Adv.

For Respondent (s) Mr. A. Raghuvir, Sr. Adv.
Mr. Anil Kumar Tandale, Adv.
Mr. P. Venkat Reddy, Adv.

UPON hearing counsel the Court made the following
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.SP2

Leave granted.
The appeals are dismissed in terms of the signed
order.

.SP1

(K.K. Chawla)
Court Master

(Suneet Bala Sharma)
Court Master

(Signed order is placed on the file)

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.PL58

.....L.....I.....T.....T.....T.....T.....T.....T.....T...J
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOs. OF 2000@@
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T. VIDYASAGAR & ORS

Appellant (s)

VERSUS

GOVT. OF A.P. & ORS

Respondent (s)

O R D E R@@
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.SP2

Leave granted.

These appeals are directed against the order of the Andhra Pradesh Administrative Tribunal refusing the appellants' claim for being considered to the post of Principal. The Tribunal has considered the provisions contained in Rule 6 and has taken the view that the appellants cannot be said to have the minimum qualification for the aforesaid post notwithstanding the fact that they possess Hindi Sahitya Samellan degree awarded by the Institute at Allahabad.

Mr. Gururaja Rao, learned senior counsel appearing for the appellants contended that the said degree having been accepted for being eligible to hold the post of a Junior Teacher it will be wholly inequitable to deny the appellants to be considered for the post of Principals, at least in respect of vacancies available at that point of time.

On behalf of the respondents a counter affidavit has ...2

(2)

been filed indicating therein that no doubt on 31.1.1981, a proviso was added to Rule 9 of the Recruitment Rules whereunder a person passing Sahitya Ratna (Uttama) in Hindi literature conducted by Hindi Sahitya Sammelan was considered as equivalent to M.A. in Hindi and was eligible to the post of Junior lecturer in Hindi in Government Junior Colleges subject to the condition that he has secured IInd class with the minimum 50% of marks in aggregate in the said examination but later on the Government having found that such degrees are given by fake institutions without proper study, the aforesaid order was cancelled on 7.7.1989. It is no doubt true that the consideration of the appellants has to be determined on the basis of the Rules as prevalent on the date when the question for consideration arose but in view of the positive prescription provided in Rule 6 and the same being read with the Government Circular dated 22.7.1970 it is difficult for us to hold that a person having Hindi Sahitya Sammelan degree from the institution of Allahabad would be entitled to be considered for the post of Principals.

Mr. Gururaja Rao brought to our notice a decision of this Court in Jagdish Pandey v. The Chancellor University of Bihar & Anr. (1968) 1 SCR 231 whereunder relying on the provisions of sub-rule 6 of Rule 1 and in the facts and circumstances of this case, the Court had indicated that the appellant therein could not be discriminated. The ...3

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provisions contained in sub-rule 6 of Rule 1 in the aforesaid case is not in pari materia with the provisions

which we are examining in the present case and therefore the aforesaid decision does not help the appellants in any manner. In the premises as aforesaid, we do not find any infirmity with the impugned order of the Tribunal which requires no interference by us. Hence, these appeals fail and are accordingly dismissed.

.SP1

.....J.
(G.B. Pattanaik)

.....J.
(U.C. Banerjee)

New Delhi,
December 8, 2000.