

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 16378 of 2017
(Arising out of SLP(C)No.7735 of 2011)

HIGH COURT OF ANDHRA PRADESH

Appellant(s)

VERSUS

D.BABU RAO & ANR.

Respondent(s)

WITH

SLP(C) No. 15292 of 2011

B. SAMBASIVAIAH & ORS.

Petitioner(s)

VERSUS

GOVT. OF A.P. THR. SEC. & ANR.

Respondent(s)

SLP(C) No. 14464 of 2011

LANKA ANNAPURNA & ORS.

Petitioner(s)

VERSUS

GOVT. OF A.P. & ORS.

Respondent(s)

SLP(C) No. 14466 of 2011

M. SUDHA RANI

Petitioner(s)

VERSUS

GOVT. OF A.P. & ORS.

Respondent(s)

SLP(C) No. 36226-36230 of 2014

HIGH COURT OF ANDHRA PRADESH ETC.

Appellant(s)

VERSUS

LANKA ANNAPURNA SREE & ORS.

Respondent(s)

O R D E R

SLP (C) NO.7735 OF 2011 :

Leave granted.

We have heard learned counsel for the parties and perused the record.

The respondent, D. Babu Rao, was the candidate for the post of Civil Judge. Recruitment was governed by the Andhra Pradesh State Judicial Service Rules, 2007. He was not appointed but the High Court has directed his appointment by comparing his marks with the marks obtained by the reserved category candidate by invoking the proviso of Rule 6(10) of the Rules.

We find that the said proviso could not be applied to recruitment by transfer as the same was applicable to direct recruitment.

In view of the above, the appeal is allowed and the impugned order is set aside.

SLP(C)No(s)36226-36230 of 2014 :

The special leave petitions are disposed of in terms of the order passed in civil appeal arising out of SLP(C)No.7735 of 2011.

SLP(C)No.15292 of 2011 :

We do not see any ground to interfere with the impugned order. The special leave petition is accordingly dismissed.

SLP(C)NO.14466 of 2011:

The special leave petition is dismissed as infructuous.

SLP(C)No.14464 of 2011 :

We have heard learned counsel for the parties.

We do not see any ground to interfere with the impugned order.
The special leave petition is accordingly dismissed.

Pending applications, if any, shall stand disposed of.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
October 10, 2017.

ITEM NO.5

COURT NO.10

SECTION XII-A

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 (C) No(s). 7735/2011

(Arising out of impugned final judgment and order dated 02-12-2010 in WP No. 4545/2010 passed by the High Court Of Andhra Pradesh At Hyderabad)

HIGH COURT OF ANDHRA PRADESH

Petitioner(s)

VERSUS

D.BABU RAO & ANR.

Respondent(s)

WITH SLP(C) No. 15292/2011 (XII-A)
SLP(C) No. 14464/2011 (XII-A)
SLP(C) No. 14466/2011 (XII-A)
SLP(C) No. 36226-36230/2014 (XII-A)

Date : 10-10-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s)
(SLP 7735/2011,
36226-36230/2014)

Mr. Gaurav Pachnanda, Sr. Adv.
Mr. Sunil Fernandes, AOR
Ms. Astha Sharma, Adv.
Ms. Nupur Kumar, Adv.
Ms. Shivangi Vaid, Adv.

(SLP 15292/2011)

Mr. Guru Krishna Kumar, Sr. Adv.
Mr. M. Srinivas R. Rao, Adv.
Mr. K. Parameshwar, Adv.
Mr. N. Srikant, Adv.
Mr. Arun D., Adv.
Ms. Sudha Gupta, AOR

(SLP 14464/2011)

Mr. Adinarayana Rao, Sr. Adv.
Ms. Tatini Basu, AOR
Ms. Filza Moonis, Adv.

(SLP 14466/2011)

Ms. Tatini Basu, AOR

For Respondent(s)

Mr. Guru Krishna Kumar, Sr. Adv.
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Mr. M. Vijaya Bhaskar, AOR

Mr. S. Udaya Kumar Sagar, AOR
Mr. Mrityunjai Singh, Adv.

Mr. Mishra Saurabh, AOR
Mr. Ankit Kr. Lal, Adv.

Mr. Venkateswara Rao Anumolu, AOR
Mr. Prabhakar Parnam, Adv.
Mr. Anand Kumar Sethi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

SLP (C) NO.7735 OF 2011 :

Leave granted in SLP(C) No.7735 of 2011.

Delay, if not already, is condoned.

In terms of the signed order, appeal arising out of SLP(C)No.7735 of 2011 is allowed, SLP(C)No(s)36226-36230 of 2014 are disposed of in terms of the order passed in SLP(C)No.7735 of 2011, SLP(C)No.15292 of 2011 is dismissed, SLP(C)NO.14466 of 2011 is dismissed as infructuous AND SLP(C)No.14464 of 2011 is dismissed.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
COURT MASTER

(Signed order is placed on the file)