

ITEM NO.103

COURT NO.

SECTION XIIA

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 4214 OF 2003

A.P. PUBLIC SERVICE COMMISSION

Appellant (s)

VERSUS

AKULA SHAIK AHMED & ORS.

Respondent(s)

WITH Civil Appeal NO. 4215-4225 of 2003

(With appln.(s) for directions and with prayer for interim relief and office report)

Civil Appeal NO. 6229-6230 of 2004

(With office report)

Date: 20/07/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. Guntur Prabhakar, Adv.

For Respondent(s)

Mr. P.S. Narasimha, Adv.

Mr. Sridhar Potaraju, Adv.

Mr. Avijeet K. Lala, Adv.

Mr. Shriram P. Murthy, Adv.

M/S. P.S.N. & Co., Adv.

Mr. P.S. Narasimha, Adv.

Mr. Sridhar Potaraju, Adv.

Mr. John Mathew, Adv.

Mr. M. Srinivas R. Rao, Adv.

Ms. Neeru Vaid, Adv.

Mr. G. Ramakrishna Prasad, Adv.

Mr. B. Suyodhan, Adv.

Mr. Ranjit Kumar, Sr. Adv.

Mr. T.V. Ratnam, Adv.

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Mr. K. Subba Rao, Adv.

Mr. Y. Raja Gopala Rao, Adv.

Mrs. D. Bharathi Reddy, Adv.

UPON hearing counsel the Court made the following

O R D E R

Civil Appeal Nos. 4214/2003, 4215-4225/2003

dismissed in These appeals are devoid of merit and are, accordingly,
terms of the signed order. Parties are asked to bear their own
costs. Interim
orders stand vacated.

Civil Appeal Nos. 6229-6230 of 2004

The impugned orders of A.P. Administrative Tribunal dated 6.9.2002 and the

High Court order dated 27.1.2004 are set aside. These appeals
are allowed in

terms of the signed order. No order as to costs.

(RAVI P. VERMA)

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Court Master

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[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4214 OF 2003

A.P. PUBLIC SERVICE COMMISSION
ANT(S)

APPELL

Versus

AKULA SHAIK AHMED & ORS.
DENT(S)

RESPON

WITH

CIVIL APPEAL NOS. 4215-4225/2003

O R D E R

Having heard the learned counsel for the parties, we see no reasons to

interfere in the well-merited and concurrent findings recorded by the Andhra

Pradesh Administrative Tribunal and confirmed by the High Court. These appeals

are devoid of merit and are, accordingly, dismissed. Parties are asked to bear their

own costs. Interim orders stand vacated.

.....J.

(H.K. SEMA)

New Delhi;

.....J.

July 20, 2006.

(A.K. MATHUR)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6229-6230 OF 2004

A.P. PUBLIC SERVICE COMMISSION

APPELLANT(S)

Versus

N. VENKATA MURALI KRISHNA & ORS.

RESPONDENT(S)

O R D E R

The challenge in these two appeals is to the order dated 6.9.2002 in O.A.

No.6906/2001 & O.A. No.9501/2001 of the A.P. Administrative Tribunal and High Court order dated 27.1.2004 in W.P. No.24284/2002 and 24354/2002 affirming the order of the A.P. Administrative Tribunal. Briefly stated the facts are as follows.

An advertisement was issued on 19.2.1994 by the A.P. Public Service

Commission for filling up various posts in Group-I services in the State of Andhra

Pradesh. A merit list was prepared on 23.2.1996 and the selected candidates were

appointed in the respective posts as per Rule 6 of the A.P. Public Service

Commission Rules, 1988, which reads as under:-

"The ranking list prepared by the Commission for selection in a direct recruitment shall remain in force for a period of one year from the date on which the selection list is published on the Notice Board of the Commission or till the publication of the new

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selection list whichever is earlier. The Commission may select candidates from the ranking list in force in place of those who relinquish the selection or who do not join duty within the time given and also new requisitions (sent by appointing authorities). However, the Commission shall have the right to freeze any ranking list for reasons."

A waiting list was prepared which was in force for one year from the

date of

publication of the merit list. The waiting list, therefore, expired on 22.2.1997. The respondents filed O.A. No.9501/2001 and O.A. No.6906/2001 before the A.P. Administrative Tribunal praying, inter alia, that they may be appointed to the posts as their names were in the panel of the waiting list. The prayer was allowed by the Tribunal. Aggrieved thereby, the appellant preferred a writ petition before the High Court which was dismissed by the impugned order. Hence the present appeal.

Undisputedly, the respondents filed the petition only in 2001 for a direction to appoint them as they were wait-listed candidates. As already noticed, that waiting list was only for a period of one year and the same stand expired on 22.2.1997. In catena of decisions of this Court, it is consistently held that once the waiting list has expired the only way is to readvertise the posts so as to attract better talents. It is also consistently held by this Court that once waiting list expires it cannot be extended by issuance of writ of mandamus. In this view of the matter, both the A.P. Administrative Tribunal and the High Court erred in law in giving a direction for appointing the respondents to the posts on the basis of the waiting list.

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The impugned orders of A.P. Administrative Tribunal dated 6.9.2002 and the High Court order dated 27.1.2004 are accordingly set aside. These appeals are allowed. No order as to costs.

.....J.

(H.K. SEMA)

New Delhi;

.....J.

July 20, 2006.

(A.K. MATHUR)