

J

C.A.No. 3006 OF 2001

ITEM No.107

Court No. 1

SECTION XVIA

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

Civil Appeal No. 3006 of 2001

Mohd. Sidiq Ali... Appellant(s)

vs.

High Court of Andhra Pradesh though Registrar & Ors. ... Respondent(s)

(with appln.(s) for permission to submit additional documents and with office report)

with

W.P.(C) No. 504/1999 (with appln.(s) for directions and with office report), C.A. No. 3007/2001 (with office report), W.P.(C) No.22/2001 (with appln.(s) for directions and with office report), W.P.(C) No. 554/2001 (with office report) and W.P.(C) No. 555/2001 (with office report)

Date: 15/12/2004 This/These matter(s) was/were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G.P. MATHUR
HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant (s)/
Petitioner(s)Ms. K Amareswari, Sr. Adv.
Mr. A Raghunath, Adv.

Mr. A T M Sampath, Adv.

Mr. G Ramakrishna Prasad, Adv.

Mr. G Venkateswara Rao, Adv.

Mr. Vidya K Sagar, Adv.

Mr. Vikram Jeet, Adv.

Mr. B D Sharma, Adv.

For Respondent (s)Mr. B Sridhar, Adv.

Mr. K Ram Kumar, Adv.

Mr. T V Ratnam, Adv.

Ms. D Bharathi Reddy, Adv.

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

In all these appeals and writ petitions, the challenge is laid to reservation to the extent of one-third out of 139 posts of District Munsiffs belonging to general category for which applications were invited vide notification dated 23.10.1996. Some of the candidates claiming that

they would have been appointed but for the reservation filed a writ petition registered as W.P. No. 18307/1998 which was heard and then decided on 31.8.1998 vide judgment reported as 1998 (5) ALD 590 (DB). The Division Bench of the High Court held that reservation in Judicial Service could not have been made by a G.O. issued by the Executive unless Andhra Pradesh State Judicial Service Rules framed in exercise of power conferred by Article 234 read with Article 309(2) were amended. However, the writ petition was dismissed and no relief was allowed to the petitioners therein on the ground that in the writ petition there was no challenge to the reservations in favour of women.

In the light of the law laid down by the Division Bench as above said, a fresh petition was filed by some other candidates wherein a specific challenge was laid to the validity of reservation. This writ petition was registered as W.P. No. 35876/1998 and came to be dismissed on 18.1.1999 on the ground of delay and laches. Civil Appeal No. 3006 of 2001 has been filed by special leave against that judgment.

There are other writ petitions filed directly in this Court which have been entertained on account of the pendency of special leave petition out of which Civil Appeal No. 3006/2001 has arisen.

Whether or not any relief can be allowed to the appellants/writ petitioners depends on the fact whether any vacancies are still available for filling-up. The learned counsel for the appellants/petitioners in all the matters have submitted that still there are about 16 vacancies available.

Let the learned counsel for the High Court of Andhra Pradesh have instructions and make a statement on affidavit if any vacancies advertised under the notification dated 23.10.1996 are still available to be filled-up and if not then the reasons therefor.

The affidavit shall be filed in four weeks.

(D.P. WALIA)
COURT MASTER

(RADHA R. BHATIA)
COURT MASTER