

L. Gopal Vs. the Hon'ble District and Sessions Judge and Anr.

L. Gopal Vs. the Hon'ble District and Sessions Judge and Anr.

SooperKanoon Citation : sooperkanoon.com/446443

Court : Andhra Pradesh

Decided On : Sep-05-2001

Reported in : 2001(5)ALT561

Judge : S.R. Nayak and ;S. Ananda Reddy, JJ.

Acts : [Constitution of India](#) - Articles 14 and 16

Appeal No. : W.P. No. 22521 of 2000

Appellant : L. Gopal

Respondent : The Hon'ble District and Sessions Judge and Anr.

Advocate for Def. : M. Bhaskar Lakshmi, Standing Counsel

Advocate for Pet/Ap. : Manik Rao, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

S.R. Nayak, J.

1. To put the grievance of the petitioner, in nut shell, is that though he was selected to the post of Attender/Process Server, as reflected in the communications sent to him by the District Judge, Medak District at Sangareddy,

dated 18.6.2000 and 3.7.2000, he was not appointed to the said post and the said inaction of the learned District Judge is irregular and illegal and violative of Articles 14 and 16 of the Constitution. So alleging, the petitioner has sought for mandamus declaring the inaction on the part of the learned District Judge, Medak in giving appointment to the petitioner as Attender/Process Server with effect from 10.7.2000 as illegal, arbitrary, unjust and for a consequential direction to the learned District Judge to appoint the petitioner as Attender/Process Server with effect from 10.7.2000 the date on which he was directed to report for duty in pursuance of the appointment order dated 18.6.200 with original certificates.

2. Opposing the writ petition, a detailed counter affidavit is filed by the 1st respondent-District Judge, Medak.

3. At the time of hearing, the learned Standing Counsel for the Respondents placed before us the original records relating to the selection and appointment of the candidate to the post of Attender/Process Server earmarked for the Scheduled Tribe Category. The records placed before us disclose that the District Judge, Medak issued Notification, dated 20-12-1999 calling for the applications to fill-up one post of Process Server/ Attender under Scheduled Tribe (men) Category. In response to that Notification, the petitioner as well as one Sri C. Gopal and some others applied for the said post from that category. The learned District Judge after going through the selection procedure, prescribed under the Recruitment Rules, prepared a panel of three scheduled tribe candidates for the post of Process Server/ Attender. That panel includes names of (i) Sri C. Gopal, who got secured 62 marks, (ii) Sri Devidas who got secured 50 marks, and (iii) Sri M. Mansingh, who got secured 48 marks. The said panel was forwarded to the High Court on administration side for approval in terms of the recruitment regulations. The High Court on consideration of the recommendations made by the learned District Judge and having regard to the relative merit of the three candidates included in the panel, ultimately approved the appointment of one Sri C. Gopal to the post of Process Server/Attender and this approval was communicated to the learned District Judge, Medak, vide proceedings of the High Court in ROC No. 449/99-RC, dated 23-06-2000.

4. After the receipt of the above proceedings of the High Court, according to the counter-affidavit filed by the 1st respondent, by mistake, the Office of the 1st Respondent by mistaken identity sent appointment order No. 3790/2000, dated 28.6.2000 to the petitioner herein, who is not the selected candidate, instead of sending the appointment order to the selected candidate, namely, Sri C. Gopal, S/o Ratan, resident of Mamidipally, asking him to appear before the Respondent No. 1 on 10.7.2000 along with original certificates, medical fitness certificate and affidavit. The petitioner, on the basis of that appointment letter wrongly sent to him by the office of the 1st respondent, claims appointment to the post of Process Server / Attender. The claim of the petitioner is untenable and not justified. Simply because the office of the 1st Respondent committed a mistake and wrongly sent the appointment order to a wrong person, like the petitioner, on that basis the petitioner cannot claim the appointment to the post of Process Server/ Attender.

5. We have perused the original records produced before us. We are fully satisfied that the name of the petitioner was not included in the panel sent to the High Court, nor the High Court approved the appointment of the petitioner to the post of Process Server / Attender. The proceedings of the learned District Judge as well as the proceedings of the High Court clearly establish that only Sri C. Gopal, S/o. Ratan is the selected candidate for the post of Process Server/ Attender and not the petitioner herein.

6. In the result, we do not find any merit in the present writ petition. Therefore, the writ petition is dismissed, with no order as to costs.