

**A.P. Public Service Commission Vs. Prasada Rao and ors.**

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**Court :** Supreme Court of India

**Decided On :** Feb-25-2010

**Judge :** V.S. Sirpurkar and; Mukundakam Sharma, JJ.

**Appeal No. :** Civil Appeal Nos. 2043-2046 of 2010 (Arising out of SLP (C) Nos. 284-287 of 2008) and Civil Appeal N

**Appellant :** A.P. Public Service Commission;k.V. Murali Krishna

**Respondent :** Prasada Rao and ors.;A.P. Public Service Commission and ors.

**Advocate for Pet/Ap. :** Altaf Ahmad,; R. Sundervardhan,; Shyam Divan,;

**Prior history :** From the Judgment and Order dated 08.10.2007 of the High Court of Andhra Pradesh in Writ Petition Nos. 17397, 17398, 17399 and 17400 of 2007

**Judgement :**

**V.S. Sirpurkar, J.**

1. Leave granted.

2. Having heard all the learned Counsel appearing for the parties, we are of the considered opinion that these appeals could be disposed of by a common judgment and order as the facts of these appeals are similar.

3. We find force in the arguments of some of the counsel appearing for the parties that the directions issued by the Tribunal which are also affirmed by the High Court would create complications and therefore in modification of the orders passed by the Tribunal and affirmed by the High Court, we pass the following orders:

(i) We direct that the select list which was prepared by the Andhra Pradesh Public Service Commission pursuant to the judgment and order of this Court dated 14.09.2006 in Civil Appeal No. 4129 of 2006 and which is contained in the official records of the Public Service Commission is restored and that appointment shall be given effect to by the competent authority in terms of the seniority position ascribed in the said select list as contained in the official records of the Public Service Commission but subject to the condition that all those candidates who are shown to have been selected for the post mentioned in the select list as prepared by the Andhra Pradesh Public Service Commission and amongst them, who have pursuant to the same joined their posts be given an option either to retain their existing position and post to which they were selected pursuant to the notification No. 5/1998 for Group-I services or to opt for a new post now being offered pursuant to the order passed today.

(ii) Such a candidate shall be ordered to exercise his option within a time frame as stipulated by the Public Service Commission. The Commission would thereafter act in accordance with the rules and in accordance with the law in terms of the aforesaid option so exercised and give effect to the same. It is also made clear that no option is required to be called for or obtained from the candidates who are being given offer of appointment for the first time pursuant to the selection and in accordance with the merit position in the select list which has already been prepared.

(iii) That after giving effect to the selection in terms of Clauses (i) and (ii) above, the vacancies, if any, would then be filled up by the candidates from the select list/merit list in accordance with their merit and rules of reservation as per the options given earlier or by giving similar option to the candidates selected and working in some other post.

4. The selected candidates who are being appointed for the first time would only be entitled to give fresh option and the candidates who had already exercised their option would not be entitled to give any fresh option.

5. In terms of the aforesaid order and directions, the appeals stand disposed of.

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