

Service Matter

A.P. High Judicial Service (Special) Rules Rule 2 - A.P. State and Subordinate Service Rules, Rule 22 - Constitution of India Articles 14, 16, 309 - Appointment - Mahila and family court - 100% reservation - Court rejected the plea of the recommended candidates to be appointed as Family Court Judges against the advertisement they had applied for wherein on account of shortage of lady District Judges, it had been decided to recruit women candidates by way of direct recruitment - On a reference being made by the State after the selection process had been completed and the names had been sent to the State Government for appointment, the High Court came to the conclusion that earmarking the posts only to the women candidates would amount to cent-percent reservation which was not constitutionally permissible - Resultantly, it was held that by reserving the 10 posts for women, the High Court had inadvertently created a 100% reservation for women and therefore, did not recommend in favour of appointing any person from the panel prepared - The writ petition thus came to be filed by the 9 women lawyers whose names were forwarded to the State Government and directions were sought for appointing them - In the meantime, an advertisement also was issued reserving only 1 post for a woman and calling for fresh applications which was also challenged - Court held that there could not be 100% reservation for women and dismissed the writ petitions.

Held,

The appointments were to be not to any ex-cadre posts but to posts in the cadre of district and sessions judge, grade II. The rules prescribed that in the cadre of district and sessions judges, there had to be reservations for scheduled tribes, scheduled caste, backward classes (groups A, B, C, or D) and women. The rules did not allow 100% reservation for women. By reserving all the 10 posts for women, the High Court had inadvertently created 100% reservation for women. Further, the posts advertised were 5 open competition, 2 scheduled caste, 1 scheduled tribe, 1 backward class group A and 1 backward class group B. Yet the panel sent to the government consisted of 7 open competition candidates, 1 scheduled caste candidate and 1 backward class group D candidate. Such a selection was entirely against the rules and against the reservation policy. The rules also required that if no SC or ST candidate was available then the vacancy had to be carried forward. Similarly, the vacancy of backward class group A, B, C and/or D could not be converted into other category. Because of these difficulties the persons empanelled could not be appointed in the cadre of district & sessions judge grade II.

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S. Renuka v. State of A.P. 2002 PLRonline 0005