

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Direct Recruitment - Selection and appointment of the candidates possessing Higher Qualification than the prescribed qualification - Adhoc Rule - Issued.

GENERAL ADMINISTRATION (SER.A) DEPARTMENT

G.O.Ms.No.282

Dated: 20-09-2003

Read the following:

Memo.No.32359/Ser.A/99, Genl. Admn. (Ser.A) Dept., dt.14.06.1999.

ORDER :

In the reference read above, it has been clarified among others, that for direct recruitment "While higher qualification besides the prescribed qualification is not a bar for considering the applicant, however, non-possession of the prescribed qualification even if a candidates possess a higher qualification is a bar and hence his application needs to be rejected".

2. The Supreme Court of India in Aurn Thiwari and others Vs. Zila Mansavi Shikshak Sangh (1998(2) SSC 332) held that "A Higher qualification which is prescribed for a particular scheme cannot be considered as violative of Art 14, when candidates with higher qualifications are available, choosing them instead of candidates with inferior qualification is not violation of Article 14 or 16. In another case, the Supreme Court in Md. Riazul Osman Gani Vs. District and Sessions Judge Nagpur (2000 (1) Scale 508) held that a creterion which has the effect of denying a candidate his right to be considered for the post on the principle that he is having higher qualification, than prescried cannot be rational.

3. The Direct Recruitment to various categories of posts in Public Service shall be as per the qualification prescribed in the rules governing such posts. In several cases, it is noticed that the candidate with higher qualifications are appearing for selection and are claiming for their appointment, even though they do not possess the prescribed qualification, but however, possessing higher qualification. After careful examination, Government have decided to issue the following Adhoc Rule.

4. The following notification will be published in the Andhra Pradesh Gazettee.

NOTIFICATION

In exercise of the powers conferred under the proviso to Article 309 of the Constitution of India and of all other powers hereunto enabling, the Governor of Andhra Pradesh hereby makes the following Adhoc Rule.

ADHOC RULE

"Notwithstanding anything contained in the Andhra Pradesh State and Subordinate Service Rules or Special Rules or any other rule governing the post for the Direct Recruitment the candidate who possesses higher qualification than the prescribed qualification and the candidate with higher qualification without the prescribed qualification shall also be considered for selection alongwith candidates who have the prescribed qualification only".

5. The Departments of Secretariat will issue necessary amendments to the service rules accordingly :-

(By order and in the name of the Governor of Andhra Pradesh)

MOHAN KANDA
Chief Secretary to Government