

**IN THE HONB'LE HIGH COURT OF JUDICATURE FOR THE STATE  
OF TELANGANA**

**AT:: HYDERABAD**

**W.P.No.....of 2021  
(Special Original Jurisdiction)**

**Between:**

**Vangala Jagan Mohan Reddy**

**....Petitioner**

**And**

- 1. The State of Telangana.,**  
Chief Secretary to Government  
General Administration,  
Government of Telangana,  
Secretariat, Hyderabad.
- 2. The Registrar (Recruitment)**  
The High court for the State of Telangana  
High Court Building Hyderabad

**.... Respondents**

**AFFIDAVIT**

I, Vangala Jagan Mohan Reddy,

I do hereby solemnly affirm and  
sincerely state on oath as follows:

1. I respectfully submit that I am the Deponent herein and the writ petitioner in the above writ petition as such I am well acquainted with the facts of the case.
2. I respectfully submit that this Writ Petition is filed aggrieved by the Notification vide., ROC No. 59/2020-RC Dt.21-10-2020 (**Ex.P-1**) issued by the 2<sup>nd</sup> Respondent herein i.e., the Registrar Recruitment, High Court of Telangana at Hyderabad in inviting the applications for filing up the post of District Judge (Entry Level)by

Direct recruitment, as discriminatory, un constitutional, opposed to principles of natural justice and contrary Telangana State Judicial (service & Cadre) Rules, 2017 and the same is liable to be set aside.

3. I respectfully submit that I am an advocate/legal practitioner and aspirant for the post of District Judge. I have pursued my Law Degree from Osmania University in 3 years regular stream, batch of 2002-2005. After obtaining my Law Degree, I have enrolled with the then Bar Council of Andhra Pradesh as an Advocate on 16-02-2006 and presently practicing before trial courts and this Hon'ble Court for past 14 years.
4. I respectfully submit that in Civil Appeal No.1867/2006 order dated 04.01.2007 (**Ex.P-3**), the Hon'ble Supreme Court of India has laid down guidelines and fixed a schedule for filling up of vacancies of judicial officers. The schedule is to commence with the notification of the number of vacancies being issued by 31<sup>st</sup> March of every year and the whole process has to come to an end with the issuance of appointment letters by 30<sup>th</sup> September of the respective year.
5. I respectfully submit that in compliance of the Hon'ble Apex Court guidelines, the 2<sup>st</sup> Respondent has notified vacancies in the category of District Judge (Entry Level) on 11-02-2020 (**Ex.P-5**). I submit that subsequently the 2<sup>nd</sup> Respondent has placed a detailed notification on 21-10-2020(**Ex.P-1**) in the web-portal of this Hon'ble High Court after a gap of 7 months.

6. I respectfully submit that the recruitment notifications of past 7 years issued by the 2<sup>nd</sup> Respondent are depicted below for ready reference of this Hon'ble Court:

Sl. No.	Year	ROC No.	Notified date	Detail notification	Cut off date of Age
1.	2014	NIL	--	15.04.2014	01.04.2014
2.	2015	108/2015	31.03.2015	NIL	NIL
3.	2016	271/2016	12.08.2016	22.08.2016	01.04.2016
4	2017	213/2017	31.03.2017	15.04.2017	01.04.2017
5	2018	NIL	NIL	(data not available on website)	
6	2019	61/2019	01.04.2019	NIL	NIL
7	2020	59/2020	11.02.2020	21.10.2020	01.10.2020

7. I respectfully submit that the Telangana Judicial Service Rules 2017 prescribes the procedure and process of recruitment for judicial services. I further submit that in the said rules the methodology, recruitment process is contemplated in Rule No. 6 as under:

**6. Recruitment, methodology for conducting examination, selection process, fee etc.**- (a) On or before the 15th December of every year in the case of the Civil Judge and in the case of District Judges the 15th March of every year, the Recruitment Wing shall be informed of the number of existing vacancies and the vacancies that are likely to occur within one year for the post of Civil Judge and District Judge by the concerned Registry.

(b) The Recruitment Wing shall place the vacancy position of Civil Judges in the official web site of the High Court by 15th January every year and the vacancy position of District Judges in the Official Website of the High Court by 31<sup>st</sup> March of every year.

(c) Every year, the High Court, by advertisement in at least two newspapers, one in Telugu and the other in English and in the Official Gazette of the Government, invite applications in such form as it may determine from the intending

*candidates, who possess the qualifications for filling the vacancies, indicating, inter-alia, the eligibility criteria, the syllabus, the number of marks allotted for written examination, the qualifying marks to be secured by a candidate, the number of marks allotted for the viva voce, the ratio in which the candidates are to be called for the written examination / viva voce. The advertisement shall also specify that the recruitment to these posts shall be made in accordance with Telangana State Judicial (service & Cadre) Rules, 2017.*

8. I respectfully submit that Rule 6 (c) mandates that the detailed notification shall be published in at least two newspapers, one in Telugu and the other in English and in the Official Gazette of the Government, inviting applications in such form as it may determine from the intending candidates, who possess the qualifications for filling the vacancies, indicating, inter-alia, the eligibility criteria, the syllabus, the number of marks allotted for written examination, the qualifying marks to be secured by a candidate, the number of marks allotted for the viva voce, the ratio in which the candidates are to be called for the written examination/viva voce. The advertisement shall also specify that the recruitment to these posts shall be made in accordance with Telangana State Judicial (service & Cadre) Rules, 2017.
9. I respectfully submit that the 1<sup>st</sup> Respondent in deviation to the above rule has merely issued abstract advertisement notifying vacancies in the category of District Judge (Entry Level) on 21-10-2020 of paper publication. **(Ex.P-2)** without disclosing the requisite details, which is contrary to the Telangana State Judicial (service & Cadre) Rules, 2017.
10. It is relevant to note that for the same post of District Judge by transfer (Accelerated recruitment by transfer) the 2<sup>nd</sup> Respondent has issued notification on 11-03-2020 itself vide Notification ROC

No.60/2020 (**Ex.P-4**) but in the case of Direct recruitment for other candidates, the detailed notification is issued on 21-10-2020 although both the positions were notified on the same date i.e.11-02-2020 (**Ex.P-5 & P-6**)and hence the said discrimination is violative of Articles 14 and 16 of the Constitution of India. Further, the impugned notification ROC No.59/2020 prima facie violates Articles 14 and 16 of the Constitution of India, inasmuch as the direct recruitment candidates who were eligible as on 11-03-2020 are excluded from the purview of selection itself due to age bar in view of delay in issuance of detailed notification. Therefore, the impugned notification dated 21-10-2020 being violative of Article 14 is without any justification and the same is iniquitous is liable to be quashed.

11. I respectfully submit that the 2<sup>nd</sup> Respondent herein has created irrational classification between the candidates of Direct recruitment and candidates by transfer (Accelerated recruitment by transfer), which has no nexus with the stated object of the notification i.e., to appoint District Judges in the State of Telangana. This kind of distinction is bereft of rational differentia and it is unconstitutional.
12. I respectfully submit that as per Rule 13 of Telangana Judicial Service Rules, 2017 it is incumbent to appoint District Judges by recruitment as well by transfer as per the forty-point roster system prescribed in Schedule-A of the Rules. Further upon reading of Sl.No.1 of Schedule-A it reflects that the priority ought to be given to candidates of Direct Recruitment. Therefore the 2<sup>nd</sup> Respondent ought to have issued detailed notification for Direct recruitment

candidates much prior to candidates of Accelerated recruitment by transfer.

13. I respectfully submit that pursuant to Rule 4(2)(iii), the appointment of District Judges shall be made and filled up by Direct recruitment upto 25% and 10% by transfer through limited competitive examination of Senior Civil Judges(Accelerated recruitment by transfer) and remaining 65% of the cadre shall be filled by promotion from the category of Senior Civil Judges. It is apt to note in the said Rule the cut-off date fixed for recruitment by transfer as well as by promotion is by the end of 31<sup>st</sup> March of the year, however no such cut-off date is fixed for direct recruitment candidates, which is Discriminatory and iniquitous in nature and violative of Article 14 and 16 of the Constitution of India.
  
14. I respectfully submit that my date of birth is 09-09-1975 and I belongs to OC community, therefore I am eligible upto 45 years for appearing for District Judge Direct Recruitment. On the date of vacancies being notified i.e., 11-02-2020, if the detailed notification had been published in the Month of March or April 2020, then the cut-off date would have been 01-04-2020 and I could have become eligible for the said post. However, as the detailed notification is delayed by 7 months due to outbreak of Covid-19 and the same is published on 21-10-2020 fixing the date of age limit as 01-10-2020, in view of that 22 days age is exceeds of my eligibility. I submit that by virue of the same I am deprived of the opportunity to participate in the recruitment process for no fault on my part **(Ex.P-7)**.

15. I respectfully submit that the Respondent No.1 in consultation with Respondent No.2 has issued the notifications every year for the selection process in accordance with the guidelines prescribed by the Hon'ble Supreme Court in *Malik Mazhir Sulthan Vs. UP Public Service Commission (C.A.No.1867/2006, dt.04.01.2007)* reported in (2008) 17 SCC 703 and compilation of the said notifications are filed herewith as **Exhibit P8** to **Exhibit P15**.
  
16. I respectfully submit that contrary to the said procedure the Respondent No.1 has issued the impugned notification without following the guidelines as prescribed by Hon'ble Supreme Court. That the Respondents could have obtained the modification of time line fixed by Hon'ble Supreme Court in view of the Covid-19 pandemic or for any other reason as rightly done by the Hon'ble High Court of Calcutta in I.A.No.52864/2020 in C.A.No.1867/2006 and Hon'ble High Court of Madhya Pradesh in I.A.No.89500/2020 in C.A.No.1867/2006 by the order dt.22.09.2020 (**Ex.P19**). It is submitted that the impugned notification is arbitrary, illegal and violative of guidelines prescribed by Hon'ble Supreme Court.
  
17. I respectfully submit that the recruitment process, methodology, procedure in which the impugned notification is issued being discriminatory, Unconstitutional, iniquitous and contrary to the Telangana State Judicial (service & Cadre) Rules, 2017, under these compelling situations I have no other alternative remedy except to approach this Hon'ble Court under Article 226 of the Constitution of India.

18. It is submitted that I have not filed any writ, suit, or proceedings before any Court seeking similar relief as sought for in the present Writ Petition.

In view of the above facts and circumstances this Hon'ble court is humbly prayed to issue a Writ, Order or direction more particularly one in the nature of Writ of MANDAMUS declaring the Notification vide., ROC No. 59/2020-RC Dt.21-10-2020 issued by the 2<sup>nd</sup> Respondent for filing up the post of District Judge (Entry Level) by Direct recruitment, as illegal, arbitrary, discriminatory, and iniquitous in nature, opposed to principles of natural justice, unconstitutional and contrary to Telangana State Judicial (service & Cadre) Rules, 2017 and consequently set-aside the said Notification vide., ROC No. 59/2020-RC Dt.21-10-2020 issued by the 2<sup>nd</sup> Respondent in the interest of justice and equity and pass such other relief or reliefs as this Hon'ble court may deem fit and proper in the circumstances of the case.

It is further prayed that the Hon'ble court maybe pleased to stay all further proceedings in filling up for the post of District Judge (Entry Level) by Direct recruitment through Notification vide., ROC No. 59/2020-RC Dt.21-10-2020 issued by the 2<sup>nd</sup> Respondent pending disposal of the writ petition in the interest of justice and equity and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Sworn and signed before me,  
on this the 09<sup>th</sup> day of March, 2021  
in my presence.

**Deponent**

**Advocate:: Hyderabad**