

Director of Printing Stationery and Publication in Mysore, Bangalore and Another

Vs

H. M. Mruthyunjaya

Civil Appeal No. 622 of 1973

(N. L. Untwali, E. S. Venkataramiah, P. N. Shinghal JJ)

30.04.1980

ORDER

1. Heard learned counsel for the parties. On appreciating the entire facts and circumstances of the case we are satisfied that the respondent was a local candidate within the meaning of clause (b) of Rule 2 of the Mysore State Civil Services (Recruitment of Local Candidates to Class III Posts) Rules, 1966. This fact was clearly pleaded by the respondent in his writ petition. It was not denied by the State in its counter. The High Court in the impugned judgment has clearly stated that the respondent continued in the post of Foreman as a local candidate since 1963. We are satisfied that this statement of fact in the judgment of the High Court on the material placed before it was correct. An attempt was made before us to go to the past history of the respondent on which reliance was not placed in the counter. We did not permit the learned counsel to go to that history. On the footing that the respondent was a local candidate within the meaning of the Rules aforesaid the High Court was right in directing the Government to extent the benefit of the said Rules to him. We find no merit in this appeal. It is accordingly dismissed.

2. There will be no order as to costs.

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