

J. Ashok Kumar

Vs

State of A. P. and Others

SLP (C) No. 1493 of 1994

(K. Ramaswamy, G. B. Pattanaik JJ)

23.02.1996

ORDER

1. Mr. L. N. Rao, learned counsel appearing for the petitioner, contends that under GOMs No. 1136, dated 13-9-1986 Rule 4 of the A. P. Excise Service Rules was amended giving weightage of 5% of the marks for selection to an NCC candidate and that the petitioner had appeared for the post of Assistant Excise Superintendent, Group 1 Service, by direct recruitment. He should have been given weightage of 5% marks and the Tribunal was unjustified in dismissing his petition. We find force in his contention. Any candidate who appeared for the selection even for direct recruitment would be eligible to be considered for the weightage provided to candidate having NCC qualification. But since the selection has already been over and candidates were selected and appointed, we cannot give the benefit to the petitioner.

2. The special leave petition is accordingly dismissed.