

HIGH COURT OF ANDHRA PRADESH

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W.P.Nos.: 23243 and 23487 of 2025

DATE OF JUDGMENT PRONOUNCED: **29.12.2025**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY, J

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No
2. Whether the copies of judgment may be marked to Law Reporters/Journals Yes/No
3. Whether Your Lordships wish to see the fair copy of the Judgment? Yes/No

NYAPATHY VIJAY, J

***THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

+ W.P.Nos.23243 and 23487 of 2025

% 29.12.2025

Between:

Kamireddy Bhavani

...Petitioner

And

The State of Andhra Pradesh, rep. by its Principal Secretary,
School Education Department, A.P. Secretariat, Velagapudi,
Amaravati, Guntur District.

...RESPONDENT(S)

Counsel for the Petitioner: Smt.Kavitha Gottipati **and**

Sri G.V.S.Kishore Kumar

Counsel for the Respondent(S): G.P. for Services -II

< Gist :

> Head Note:

? Cases Referred:

¹ 1984 (3) SCC 654

² 2021 (18) SCC 61

³ 2023 SCC Online SC 724

⁴ 2020 SCC Online ALL 848

⁵(2017) 3 SCC 467

⁶ (LL 2021 SC 102)

APHC010459002025



IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3460]

MONDAY, THE TWENTY NINETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 23243/2025

Between:

1. KAMIREDDY BHAVANI, D/O.K.VENKATA RAMANA,
AGED ABOUT 28 YEARS, OCC.UNEMPLOYEE,
R/O.D.NO.4-21, REGULAPALEM VILLAGE,
YELAMANCHILI MANDAL, VISAKHAPATNAM DISTRICT,
ANDHRA PRADESH

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS
PRINCIPAL SECRETARY, SCHOOL EDUCATION
DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI,
AMARAVATI, GUNTUR DISTRICT.

2. THE DIRECTOR OF SCHOOL EDUCATION, ANDHRA
PRADESH, D.NO.398/3 VIDYA BHAVAN, VENKATADRI
TOWERS ATMAKUR VILLAGE, MANGALAGIRI,
GUNTUR DISTRICT

3. THE CONVENOR, MEGA DSC-2025, THE ANDHRA
PRADESH TEACHERS RECRUITMENT TEST (TRT),
VIDYA BHAVAN, VENKATADRI TOWERS ATMAKUR
VILLAGE, MANGALAGIRI, GUNTUR DISTRICT

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to please to issue a writ or order or direction more particularly one the nature of a writ of Mandamus declaring the action of the respondents in not considering case of petitioner for selection and appointment as School Assistant (Social Studies) despite she got qualified to the said post in pursuant to Notification No.01/Mega-DSC-TRC-1/2025 dated 20-04-2025 of the 2nd respondent is illegal, arbitrary, unjust and violative of Article 14 and 16 of the Constitution of India and consequently direct the respondents to consider case of petitioner for selection and appointment to the post of School Assistant (Social Studies) as per her merit in Mega DSC-2025 without reference to the order of preferences chosen in the application ID No. MDSC0181990 in pursuant to the Notification No.01/Mega-DSC-TRC-2025 dated 20-04-2025 of the 2nd respondent, and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the respondents to reserve one post of School Assistant (Social Studies) in favour of the petitioner in Visakhapatnam District in pursuant to the Notification No.01/Mega-DSC-TRC-2025 dated 20-04-2025 of the 2nd respondent, pending disposal of this writ petition and pass

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the respondents to consider the case of petitioner for selection and appointment to the post of School Assistant (Social Studies) as

per her merit in Mega DSC- 2025 without reference to the order of preferences chosen in the application ID No. MDSC0181990 in pursuant to the Notification No.OI/Mega-DSC-T RC- 2025 dated 20-04-2025 of the 2nd respondent, pending disposal of this writ petition and pass

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim order dated: 12.09.2025 in WP.NO.23243/2025 in the interest of justice and may be pleased to pass

Counsel for the Petitioner:

1. KAVITHA GOTIPATI

Counsel for the Respondent(S):

1. GP FOR SERVICES II

WRIT PETITION NO: 23487/2025**Between:**

1. BANDEGIRI BASHIRUN, D/O PEDDA MURTHUJA, AGED ABOUT 25 YEARS, R/O H.NO. 8, KURUKUNDA, KURNOOL DISTRICT, ANDHRA PRADESH - 518422.

2. CHOWDAVARAM SIVA KUMAR,, S/O. CHOWDAVARAM YANADAIAH AGED 34 YEARS, R/O.2/7 A, KORLAKUNTA, OBULAVARIPALLI MANDAL, KORLAKUNTA, CUDDAPAH, ANDHRA PRADESH,516108.

3. U ANIL KUMAR,, S/O UPPARI SUNKANNA, AGED ABOUT 28 YEARS, R/O H.NO. 2-49, PENCHIKALAPADU (VTC), GUDUR MANDAL, KURNOOL DISTRICT, ANDHRA PRADESH - 518467.

- 4.S MARUTHI PRASAD,, S/O S KULLAYAPPA, AGED ABOUT 30 YEARS, R/O H.NO. 1-134, B P SIDDARAMPURAM, ANANTAPUR DISTRICT, ANDHRA PRADESH - 515751.
- 5.. KOLIMI GHOUSE, , S/O KOLIMI BASHULLA AGED ABOUT 31 YEARS, R/O. 5/67, MUSLIM STREET, PATTIKONDA, KURNOOL DISTRICT, AP, 518380.
- 6.. NEKKALA SIVARANJANI,, D/O NEKKALA VEERA KOTI BHIMESWARARAO, AGED ABOUT 29 YEARS, R/O H.NO. 2-32, SYAMALAMBHA STREET, EAST GODAVARI DISTRICT, ANDHRA PRADESH - 533343.
- 7.MUDDAM NAGA JYOTHI,, C/O YALLA RAGHAVENDRA RAO, AGED ABOUT 38 YEARS, R/O H.NO. 25/419-1B-827, NANDAMURI NAGAR, NANDYAL, NANDYAL DISTRICT, ANDHRA PRADESH - 518501.
- 8.. KURUVA NATARAJU, , S/O KUMVA GIDDANNA, AGED ABOUT 27 YEARS, R/O H.NO. 2/82, KOTHAPALLI, KURNOOL DISTRICT, ANDHRA PRADESH - 518380.
- 9.SUGALI DEVIBAI, , W/O PALUTHYA LAXMAN NAIK, AGED ABOUT 28 YEARS, R/O H.NO. 1-31, LTHANDA, KURNOOL DISTRICT, ANDHRA PRADESH - 518216.

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, SCHOOL EDUCATION DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI.
- 2.THE COMMISSIONER OF SCHOOL EDUCATION, GOVERNMENT OF ANDHRA PRADESH, AMARAVATI.
- 3.THE DIRECTOR OF SCHOOL EDUCATION,

GOVERNMENT OF ANDHRA PRADESH, AMARAVATI.

4. THE ANDHRA PRADESH DISTRICT SELECTION COMMITTEE AP DSC 2025, , REP. BY ITS CONVENOR/CHAIRMAN, O/O COMMISSIONER OF SCHOOL EDUCATION, AMARAVATI.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to please to issue a Writ, order or direction, more particularly one on the nature of Writ of Mandamus declaring the action of the Respondents in not considering the petitioners selection to the posts of School Assistants SA in the AP MEGA DSC-2025 on the basis of merit-cum-roster, and instead giving precedence to the preferences exercised by the Petitioners at the time of notification and further issuing a PRESS RELEASE stating that the selection of candidates is based on their preferred options at the time of the notification despite the fact that separate application fee was collected for each post, separate exam was conducted for each post and separate merit list was prepared for each post and the same is contrary to the guideline no.24 clause (d) of the notification dt.20.04.2025 that allotment of posts to the selected candidates shall be made subject to merit cum roster, and vacancy position and in conflict with the settled proposition of law that merit cum roster is to be mandatorily followed in the public recruitment process and thereby ignoring the superior merit secured by the Petitioners in the School Assistant (SA) category, as blindfolded approach, illegal, arbitrary, unreasonable, discriminatory and violative of Articles 14, 16 and 21 of the Constitution of India, and it is consequently prayed to direct the Respondents, more particularly respondent no.4 to consider the case of petitioners for School Assistant posts based on their merit cum roster in terms of guideline 24 clause (d) of the notification dt.20.04.2025 and in terms of the law laid down by

the Honourable Apex court in Dr. (Major) Meeta Sahai v. State of Bihar, (2019) 20 SCC 17) and Pradeep Jain v. Union of India (1984) 3 see 654) dehors the options preferred by the petitioners in the notification dt.20.04.2025 in the interests of justice and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the Respondents, more particularly respondent no.4 to consider the case of petitioners for School Assistant posts based on their merit cum roster in terms of guideline 24 clause (d) of the notification dt.20.04.2025 and in terms of the law laid down by the Honourable Apex court in Dr. (Major) Meeta Sahai vs State of Bihar, (2019) 20 SCC 17) & Pradeep Jain v. Union of India, (1984) 3 see 654) dehors the options preferred by the petitioners in the notification dt.20.04.2025 in the interests of Justice and pass

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to vacate the interim orders dated 12.9.2025 in WP.No.23487 in the interest of justice and may be pleased to pass

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to implead the Petitioners 1 to 6 herein/ proposed Respondents in the writ petition no. 23487 of 2025 and pass

Counsel for the Petitioner(S):

1.G V S KISHORE KUMAR

Counsel for the Respondent(S):

1.GP FOR SERVICES II

The Court made the following:

HON'BLE SRI JUSTICE NYAPATHY VIJAY**W.P.Nos.23243 and 23487 of 2025****COMMON ORDER:**

In the present writ petitions, the Petitioners are questioning the non-consideration of their case for selection and appointment as School Assistants (SA) though they were qualified pursuant to notification No.01/Mega-DSC-TRC-1/2025 dated 20.04.2025 as illegal and arbitrary.

2. In these cases, after hearing the respective counsel at length, elaborate interim orders were passed directing the Respondents to consider the cases of the Petitioners for selection in the posts sought in this writ petition based on their merit. Questioning the same, Writ Appeals i.e [W.A.Nos.1015 and 1016](#) of 2025 were filed by the Respondents and the same were disposed of on 16.09.2025. The interim orders were not interfered with.

3. ***Background facts:*** A notification being No.01/Mega-DSC-TRC-1/2025 dated 20.04.2025 was issued by Respondent No.2, wherein applications were invited for recruitment to the post of School Assistants (SA) and Secondary Grade Teachers (SGT)

under various managements and also for the Trained Graduate Teachers (TGTs-Special Education), Secondary Grade Teachers (Special Education) and Physical Education Teachers (PET) in the department for the Welfare of Differently Abled Schools in the State.

4. The Petitioners having requisite qualifications appeared for the examination for the posts of School Assistant (SA) and Secondary Grade Teachers (SGT). In both the categories, the Petitioners stood for consideration for appointment as School Assistant (SA) and Secondary Grade Teachers (SGT) as per the general merit list issued by the Respondents.

5. After certificate verification, the Petitioners were informed that as per the order of preferences opted, they are eligible for appointment as Secondary Grade Teachers only but not as School Assistants (SA). It is also stated that the post of School Assistant is a promotional post to the post of Secondary Grade Teachers and despite securing meritorious marks, the Petitioners are sought to be appointed as Secondary Grade Teachers only on the basis of preference given at the time of application. The process of selection and examination for School Assistant (SA)

and Secondary Grade Teachers (SGT) are independent and not common and Petitioners had paid separate examination fee of Rs.750/- and therefore they are entitled to make a choice subsequently also. It is also stated that as per the guidelines 24(d) of the notification, the allotment is to be made on the basis of merit cum roster and vacancy position and merit being the criteria for the entire selection process could not be relegated in consequential for the appointments merely because preferences offered by the Petitioners at the time of application cannot be altered. It is further stated that by virtue of the procedure adopted by the Respondents, the less meritorious are sought to be appointed as School Assistants, while the Petitioners who are being appointed in the feeder category of SGT. It is stated that the same is irrational and that the Petitioners are entitled for appointment as School Assistant. Hence, the present writ petitions are filed.

6. In the counter affidavit filed by the Respondents, it is stated that in selection to the post of School Assistants, Petitioner No.1 in W.P.No.23487 of 2025 was selected for the post of SGT (Urdu Medium) in Municipal Corporation Schools in Kurnool District as it was her first preference. It is also admitted that Petitioner No.1

stood at Sl.No.1 in the merit list for the post of SA (NL) –Social Studies (Urdu Medium) in Government/Local Bodies, Kurnool. But the Petitioner was selected for the post of SGT as per the preference given by the Petitioner. As regards Petitioner No.2, it is stated that she was selected to the post of Post Graduate Teacher (NL) Zoology (English Medium) in A.P.Model School as that is her first preference in the application and for SA (NL) Biological Science, the Petitioner stood at Sl.No.1 in Government/Local Bodies, Kadapa. Similarly, Petitioner No.3 was selected for the post of Post Graduate Teacher (NL) Bio Science (English Medium) in APTWRS (Gurukulas) being her first preference though she stood at Sl.No.6 in the merit list out of 56 posts SA (NL)-Biological Sciences in Government/Local Bodies, Kurnool.

7. Similarly, Petitioner No.4 was selected to the post of SGT in Government/Local Bodies being her first preference and she was not selected for the post of School Assistant (L) – Telugu in Government/Local Bodies in Ananthapur District. Petitioner No.5 was appointed as SGT in Government/Local Bodies as being her first preference though she was entitled for appointment in SA (L) – Telugu in Government/Local Bodies in Kurnool. Similarly,

Petitioner No.6 was selected for the post of SGT in Government/Local Bodies being her first preference though she stood in the merit list at Sl.No.45 for the post of SA(NL) – Social Studies out of 827 posts notified. Petitioner No.7 was said to have been selected in SGT being her first preference in Government/Local Bodies though she stood at Sl.No.51 in the merit list for the post of SA (NL) –Mathematics out of total 70 posts notified. The 8th Petitioner was selected as SGT in government/Local Bodies though she was at merit list No.55 for the post of School Assistant out of total notified posts of 99 and was entitled for appointment to the post of SA. The 9th Petitioner was also selected as SGT in Government/Local Bodies being her first preference though she was entitled for selection for the post of SA (NL) –Mathematics in Government/Local Bodies and Tribal Welfare Ashram.

8. It is further stated that Petitioners had approached the Hon'ble Court belatedly i.e. after publishing merit list on 22.08.2025 and 01.09.2025 and any relaxation of the rule or allowing candidates to change their preferences will lead to chaos and uncertainty in the selection process. The Respondents have already declared the merit lists, call letters were issued, the

certificate verification process is also completed and considering the Petitioners' claim at this juncture would disturb the entire merit lists and will also affect the candidates who have genuinely applied for the post. It is further stated that the Petitioners did not challenge Rule 10 (iii) (e) and (f) of G.O.Ms.No.15 and 16 dated 19.04.2025 and in the absence of any challenge to the Rule, no Mandamus can be issued contrary to the Rule.

9. In the counter affidavit filed by the Respondents in [W.P.No.23243](#) of 2025, it is stated that the Petitioner was selected for the post of SGT in Visakhapatnam, Government/Local Bodies as it was her first preference. It is also admitted that Petitioner stood at Sl.No.28 out of 88 posts in the merit list for the post of SA (NL)–Social Studies in Government/Local Bodies, Visakhapatnam. But the Petitioner was selected for the post of SGT as per the preference given by the Petitioner.

10. Heard Smt. Kavitha Gottipati and Sri. G.V.S.Kishore Kumar, learned counsel for the Petitioners and learned Government Pleader for Services-I for the Respondents.

11. **Contentions:** Learned counsel for the Petitioners submits that the post of School Assistant (SA) is a promotional post to the post of Secondary Grade Teacher (SGT) and the Petitioners should be considered for appointment as School Assistants (SA) and their selection should not be rejected only on the ground that they have initially preferred Secondary Grade Teacher (SGT) in the order of preferences at the time of applications. Learned counsel further contended that the Petitioners being more meritorious should be given the choice of choosing the post of School Assistant (SA) rather than considering their case to the appointment to the cadre of Secondary Grade Teacher. It is further submitted that there should be certainty in the selection process and any variation would lead to uncertainty which is not in the welfare of the selection process.

12. Learned counsel further contended that tests for both the posts were separately conducted i.e. on 16.06.2025 for School Assistants and 19.06.2025 for Secondary Grade Teachers and fees for both the applications was paid separately and therefore, Rule 10 of G.O.Ms.No.15 School Education (Services-I) Department dated 19.04.2025 would not be applicable to the present cases. It is further contended that the primary objection

of the issuance of notification and selection process is to select the meritorious among the applicants and the approach adopted by the Respondents in rejecting the case of the Petitioners for consideration for appointment to the post of School Assistant reflects that merit has become a casualty and option has become the priority. Judgments of Hon'ble Supreme Court reported in ***Dr. Pradeep Jain and others v. Union of India***¹ were cited in support of their arguments.

13. In response, Learned Government Pleader would submit that as per the Rules governing the recruitment to the posts of School Assistants (SA) / Secondary Grade Teachers, Rules were framed for recruitment to the post of School Assistant(SA) / Secondary Grade Teachers among other posts vide G.O.Ms.No.15 School Education (Services-I) Department dated 19.04.2025 under Article 309 of the Constitution of India called *A.P.Teacher Recruitment Test (AP TRT) Rules for the posts of School Assistant (SA), Secondary Grade Teachers (SGT), Trained Graduate Teacher (TGT-Special education in Special Schools), Secondary Grade Teachers (SGT-Special education in Special Schools) and Trained Graduate Teacher (TGT), Physical*

¹ 1984 (3) SCC 654

Education Teachers (PETs) scheme of Selection Rules, 2025 (for short 'the AP TRT' Rules).

14. Learned Government Pleader would further submit that as per Rule 10 of the said Rules, the candidates aspiring for the post should submit their options and the order of preference chosen by the candidates cannot be altered. It is also submitted that unless the Rules are changed, the candidature of Petitioners for the post of School Assistants (SA) cannot be considered. Learned Government Pleader would further submit that in the event the orders are being passed in favour of the Petitioners, the same order is restricted to the extent of Petitioners since the selection process has been completed. Judgments of the Hon'ble Supreme Court, reported in **Madhya Pradesh Public Service Commission v. Manish Bakawale and others**², **Dhanraj v. Vikram Singh and others**³, and a Judgment of the Allahabad High Court in **Ruksar Khan v. State of UP and others**⁴, were cited in support of his arguments.

² 2021 (18) SCC 61

³ 2023 SCC Online SC 724

⁴ 2020 SCC Online ALL 848

15. **Reasoning:** The posts of Secondary Grade Teachers (SGT) and School Assistants (SA) are governed by *Andhra Pradesh School Educational Subordinate Service Rules* framed in exercise of powers conferred by Sections 78 and 99 of the Andhra Pradesh Education Act, 1982 and proviso to Article 309 of the Constitution of India for the posts of Teachers in Government Schools, Teachers in Mandal Parishad and Zilla Parishad Schools in Andhra Pradesh vide G.O.Ms.No.11 and 12 School Education (Ser.II) Department dated 23.01.2009.

16. As per the said Rules, the posts of School Assistants (SA) are to be filled by direct recruitment or by promotion. The Post of Secondary Grade Teachers (SGT) is one of the cadres for promotion to the post of School Assistant (SA).

17. With an intent to ease the recruitment process, the Respondent No.1-State vide G.O.Ms.No.15, School Education (Services-I) Department dated 19.04.2025 framed Rules in exercise of powers conferred by Article 309 of the Constitution of India r/w Sub-Sections (3) and (4) of Section 169, Sub-sections (3) and (4) of Section 195 and Section 243 of the Andhra Pradesh Panchayat Raj Act framed the *Andhra Pradesh Teacher*

Recruitment Test (AP TRT)Rules for the posts of School Assistant (SA), Secondary Grade Teachers (SGT),Trained Graduate Teachers (TGT- Special Education in Special Schools), Secondary Grade Teachers (SGT-Special Education in Special Schools) and Physical Education Teachers(PET) Scheme of Selection Rules, 2025 (Herein after referred as AP TRT Rules,2025).

18. Under these Rules, the recruitment can be made for the post of School Assistants (SA), Secondary Grade Teachers (SGT) in Government, Zilla Parishad, Mandal Parishad, Municipality Schools, Municipal Corporation Schools, Tribal Welfare Ashram Schools and for the posts Secondary Grade Teachers (SGT) and Physical Education Teachers (PET) in the Juvenile Welfare Department Schools and for the posts of Trained Graduate Teachers (TGT-Special Education), Secondary Grade Teachers (SGT-Special Education) and Physical Education Teachers (PRT) in the Department for the Welfare of Differently Abled Schools in the State.

19. The Rule 3 thereof provides for method of recruitment. The Rule 3(iii) states that *Merit cum roster* would be the criteria for selections. The Rule reads as under;

3. Method of Recruitment :

(i)....

(ii)....

(iii). Recruitment shall be purely based on merit-cum-roster system as per the existing provisions being adopted by the Government of Andhra Pradesh vide G.O.Ms.No.77, G.A. (Ser-D) Dept., Dt: 02.08.2023 and subsequent G.O.Ms.No:12, S.E (Services-I) Dept., Dt:15.04.2025, G.O.Ms.No.46, G.A. (Ser-D) Dept., Dt: 19.04.2025, and G.O.Ms.No.47, G.A (Ser-D) Dept., Dt: 19.04.2025.

20. The above Rule states that merit cum roster is the criteria for selections. The Rule 10 thereof provides for submission of application forms and the order of preference of posts under different managements. The Rule 10 states that applicants will be considered for appointment in the order of preference opted by the applicant. The Rule 10 reads as under:

10. SUBMISSION OF APPLICATION FORMS:

(i) Candidates who are qualified and intending to apply for posts notified in respect of any district shall submit online application as per prescribed procedure.

(ii) Candidates who submit false/fake information in online application form shall be liable for criminal prosecution besides rejection of the application or cancellation of selection, as the case may be.

(iii) Management wise and Post wise Option:
*Since, the notification is issued including the vacant teacher posts under **different managements run by the government**, the candidates applying for the posts should mandatorily follow the below procedure:-*

a) The candidates can apply for more than one post under **different managements** as per his eligibility.

b) If a candidate intends to apply for more than one post, he/she must indicate the order of preference for the posts at the time of submitting the application.

For example: If a candidate is applying for multiple positions such as School Assistant(SA) (Physics), Trained Graduate Teacher (TGT), and School Assistant(SA) (Mathematics), they should clearly specify their preferences in a sequential order — e.g., 1st preference: School Assistant(SA) (Physics), 2nd preference: TGT, 3rd preference: School Assistant(SA) (Mathematics). This order of preference will be considered during the selection and allotment process, and once submitted, it cannot be changed.

c) The Options exercised in the online application, shall be final.

d) *The allotment of posts to the selected candidates shall be made subject to merit cum roster, and vacancy position.*

e) *If a candidate applied for more than one post and comes under zone of selection of different posts / managements, he/she will be selected as per the priority option exercised by the candidate at the time of application submission and his/her name will not be considered for remaining posts selection.*

f) *Once a candidate is selected for a post based on the given order of preference, he/she will forfeit the opportunity to be considered for the remaining posts or managements. Accordingly, the candidate's name will be automatically removed from all other selection lists for which he/she had applied. This ensures that each selected candidate is allotted only one post, as per the declared preference.*

g) *Candidates are advised to exercise their option with extreme caution while selecting their order of preferences for posts / managements.*

h) *The candidate must personally complete all sections of the application form and thoroughly review the information before submission.*

i) *Once application is submitted, the same shall be final and no option for editing the application.*

j) *The candidate will be solely responsible for the accuracy of the information provided.*

21. The above quoted Rule contemplates that at the time of application, the candidate applying for more than one post in different managements should exercise options and the options exercised by the candidate shall be final.

22. As per Rule 16, the Selection Committee for (i) Government, ZPP, MPP, Municipality and Municipal Corporation Schools – SA and SGT Posts consists of District Collector, Joint Collector, District Educational Officer, Chief Executive Officer and Regional Director of Municipal Administration. The relevant part of Rule 16 reads as follows;

“16. SELECTION COMMITTEE:

There shall be a Selection Committee for each branch of recruitment consisting of the following:

(i) Government, ZPP, MPP, Municipality and Municipal Corporation schools – SA and SGT Posts :- (District Level)

- 1. District Collector Chairperson*
- 2. Joint Collector Vice Chairman*
- 3. District Educational Officer Member - Convener*
- 4. Chief Executive Officer Member*
- 5. Regional Director of Municipal Administration Member*

After approval of the final selection lists of SA and SGT teachers for Government, ZPP, MPP, Municipality and Municipal Corporation Schools by the above selection

committee, District Educational Officer will issue appointment orders to the selected candidates.

(ii) Tribal Welfare Ashram and Chenchu Schools- SA and SGT Posts:- (District Level).....

(iii) Department for the Welfare of Differently Abled – TGT, SGT

and PET Posts (Special Education) :-(State Level).....”

23. The Selection Committee is common for the posts claimed by the Petitioners. Rule 3 as extracted above states that Merit cum Roster would be the sole criterion for recruitment, while Rule 10 states that order of preference would be the criterion. If the order of preference in Rule 10 is considered absolute, the Rule 3 would effectively become a dead provision. Alternatively, Rule 3 does not specify anything about merit cum roster in the order of preference as was sought to be contended. In that sense, there is a conflict in both the Rules regarding the method of appointment and these Rules have to be reconciled.

24. In ***Southern Motors v. State of Karnataka***⁵, the Hon'ble Supreme Court was considering conflict of provisions, Karnataka VAT Rules proviso to Rule 3(2)(C) with other provisions of the Act and Rules. The conflicting provision was read down to make

⁵ (2017) 3 SCC 467

it in consonance with the other provisions after referring to case law on interpretation of statutes. The relevant portion of the Judgment is extracted below;

“34. *In the same vein, the following passage from **Doypack Systems (P) Ltd. v. Union of India**²³ was adverted to : (Tata Steel Ltd. case²¹, SCC p. 160, para 24)*

*“24. ... ‘58. The words in the statute must, *prima facie*, be given their ordinary meanings. Where the grammatical construction is clear and manifest and without doubt, that construction ought to prevail unless there are some strong and obvious reasons to the contrary. Nothing has been shown to warrant that literal construction should not be given effect to. See *Chandavarkar Sita Ratna Rao v. Ashalata S. Guram*²⁴ approving *Halsbury’s Laws of England*, 4th Edn., para 856 at p. 552, *Nokes v. Doncaster Amalgamated Collieries Ltd.* It must be emphasised that interpretation must be in consonance with the directive principles of State policy in Articles 39(b) and (c) of the Constitution.*

59. It has to be reiterated that the object of interpretation of a statute is to discover the intention of Parliament as expressed in the Act. The dominant purpose in construing a statute is to ascertain the intention of the legislature as expressed in the statute, considering it as a whole and in its context. That intention, and therefore the meaning of the statute, is primarily to be sought in the words used in the statute itself, which must, if they are plain and unambiguous, be applied as they stand.’ (Doypack Systems case²³, SCC pp. 331-32, paras 58-59)’

35. *The following excerpts from **Tata Steel Ltd.**²¹, being of formidable significance are also extracted as hereunder : (SCC pp. 161-62, paras 25-27)*

*“25. In this regard, reference to *Mahadeo Prasad Bais v. ITO*²⁶ would be absolutely seemly. In the said case, it has been held that an interpretation which will result in an anomaly or absurdity should be avoided and where literal construction creates an anomaly, absurdity and discrimination, statute should be liberally construed even slightly straining the language so as to avoid the meaningless anomaly. Emphasis has been laid on the principle that if an interpretation leads to absurdity, it is the duty of the court to avoid the same.*

*26. In *Oxford University Press v. CIT*²⁷, Mohapatra, J. has opined that interpretation should serve the intent and purpose of the statutory provision. In that context, the learned Judge has referred to the authority in *State of T.N. v. Kodaikanal Motor Union (P) Ltd.*²⁸ wherein this Court after referring to *K.P. Varghese v. ITO*¹⁴ and *Luke v. IRC*¹⁹ has observed : (Oxford University Press case²⁷, SCC p. 376, para 33)*

*‘33. ... “17. The courts must always seek to find out the intention of the legislature. Though the courts must find out the intention of the statute from the language used, but language more often than not is an imperfect instrument of expression of human thought. As Lord Denning said¹⁶ it would be idle to expect every statutory provision to be drafted with divine prescience and perfect clarity. As Judge Learned Hand said, we must not make a fortress out of dictionary but remember that statutes must have some purpose or object, whose imaginative discovery is judicial craftsmanship. We need not always cling to literalness and should seek to endeavour to avoid an unjust or absurd result. We should not make a mockery of legislation. To make sense out of an unhappily worded provision, where the purpose is apparent to the judicial eye “some” violence to language is permissible. (*Kodaikanal Motor Union case*²⁸, SCC p. 100, para 17)’*

27. Sabharwal, J. (as his Lordship then was) has observed thus : (Oxford University Press case²⁷, SCC p. 384, para 58)

‘58. ... It is well-recognised rule of construction that a statutory provision must be so construed, if possible, that absurdity and mischief may be avoided. It was held that construction suggested on behalf of the Revenue would lead to a wholly unreasonable result which could never have been intended by the legislature. It was said that the literalness in the interpretation of Section 52(2) must be eschewed and the court should try to arrive at an interpretation which avoids the absurdity and the mischief and makes the provision rational, sensible, unless of course, the hands of the court are tied and it cannot find any escape from the tyranny of literal interpretation. It is said that it is now well-settled rule of construction that where the plain literal interpretation of a statutory provision produces a manifestly absurd and unjust result which could never have been intended by the legislature, the court may modify the language used by the legislature or even “do some violence” to it, so as to achieve the obvious intention of the legislature and produce a rational construction. In such a case the court may read into the statutory provision a condition which, though not expressed, is implicit in construing the basic assumption underlying the statutory provision.’’

36. As would be overwhelmingly pellucid from hereinabove, though words in a statute must, to start with, be extended their ordinary meanings, **but if the literal construction thereof results in anomaly or absurdity, the courts must seek to find out the underlying intention of the legislature and in the said pursuit, can within permissible limits strain the language so as to avoid such unintended mischief.**’’

25. The *APTRT Rules, 2025* is to provide a single window for selection to posts in different managements and ensure consistency in the selection and ease the selection process. Nothing more can be said to be the dominant and central purpose of the Rules. It is from this dominant and central purpose that the rules have to be interpreted.

26. The primary purpose of public notification for recruitment to various posts under different managements is to ensure transparency and select the most meritorious candidates. In the face of this conflict in Rule 3 and Rule 10, the Rule that advances the very purpose of recruitment, i.e., merit, should be adopted and any contrary interpretation would be anti-merit and such an interpretation should be avoided. The Rule that is anti-merit should be read down.

27. The Hon'ble Supreme Court in ***Dr. Pradeep Jain's case (1 supra)***, while considering restraint in admissions in medical colleges based on domicile, observed that such restraint is not in the interest of the nation. The reasoning in paragraph 10 is extracted below :

“10.....The philosophy and pragmatism of universal excellence through equality of opportunity for education and advancement across the nation is part of our founding faith and constitutional creed. The effort must, therefore, always be to select the best and most meritorious students for admission to technical institutions and medical colleges by providing equal opportunity to all citizens in the country and no citizen can legitimately, without serious detriment to the unity and integrity of the nation, be regarded as an outsider in our constitutional set-up. Moreover, it would be against national interest to admit in medical colleges or other institutions giving instruction in specialities, less meritorious students when more meritorious students are available, simply because the former are permanent residents or residents for a certain number of years in the State while the latter are not, though both categories are citizens of India. Exclusion of more meritorious students on the ground that they are not resident within the State would be likely to promote substandard candidates and bring about fall in medical competence, injurious in the long run to the very region. “It is no blessing to inflict quacks and medical midgets on people by wholesale sacrifice of talent at the threshold. Nor can the very best be rejected from admission because that will be a national loss and the interests of no region can be higher than those of the nation.” The primary consideration in selection of candidates for admission to the medical colleges must, therefore, be merit. The object of any rules which may be made for regulating admissions to the medical colleges must be to secure the best and most meritorious students.”

28. In the above case, the restraint in selecting the meritorious is domicile and in the present cases, the restraint is on account of priority/preferences exercised at the time of submission of the application. In either case, the selection of less meritorious is not

in the interest of the future society. The recruitment in the present cases is for “Teachers”, who are to shape the future citizenry and any dilution in the quality of the recruitment is not in the interest of the same.

29. In ***Anmol Kumar Tiwari and Ors v. State of Jharkhand***⁶, the Hon’ble Supreme Court went further and held that the appointment of less meritorious individuals would violate Articles 14 and 16 of the Constitution of India. Paragraph 10 thereof is extracted below;

“10. The second issue relates to the claim of the intervenors in the Writ Petitions for appointment. There is no doubt that selections to public employment should be on the basis of merit. Appointment of persons with lesser merit ignoring those who have secured more marks would be in violation of the Articles 14 and 16 of the Constitution of India.”

30. The background facts to the above case as per the Division Bench judgement of Jharkhand High Court in LPA No.455 of 2016 and batch dated 18.7.2019 leading to the Supreme Court is that an advertisement was published in the local newspaper inviting applications from eligible candidates being Advertisement

⁶ (LL 2021 SC 102)

No.1 of 2008 for appointment of Sub-Inspector/Sergeant and Company Commander. ***Clause-7 of the Advertisement stipulates that the candidates opting for Sub-Inspector/Sergeant/Company Commander have to indicate their preference.*** After the appointments, an inquiry had been conducted in relation to their selection on the ground that the erstwhile Chairman of the Selection Committee had made the selection on the basis of preference and not on merit.

31. Thereafter, a decision had been taken to rectify the earlier selection list and to revise the same. In pursuance of the decision of the State Government, a Committee was constituted, headed by the Director General of Police to go into the entire aspect of the matter and come to a finding of any illegality or irregularity committed in the preparation of the merit list and also come out with a revised merit list. Since the Committee found certain lacunae in the preparation of the merit list, by virtue of the revised merit list, 42 candidates were removed from service and in their places, 43 other persons, in order of merit, have been recommended to be appointed.

32. In that context, the persons whose appointments were cancelled filed writ petitions and the Single Judge of Jharkhand High Court, while upholding the appointments on merit and not on preference, directed the State Government to appoint the persons whose selection was cancelled in future vacancies, as they had served for a considerable time in the State service. This view was affirmed in the Division Bench in LPA No.455 of 2016 and batch dated 18.7.2019. In that context, the Hon'ble Supreme Court held as above.

33. The facts of the above case are quite close to the present cases to the extent of appointment on order of preference rather than on merit.

34. Ideally, the order of preference should be sought after the results so that the candidate is better informed. At the time of application, no individual can be sure of the marks and rank to be secured in the examination. An uninformed preference can never be a ground to restrain a candidate from making an informed preference. The binding nature of a provision on the candidate is only when the preference is conscious and on an informed basis, notwithstanding the language employed in the provision.

35. Another way of examining this is that, fundamentally, public employment is also a contract, but is governed by Statutes and Rules, which are akin to covenants in a private employment agreement. In that context, offer and acceptance/rejection are the basic requirements for a person to be appointed or refused employment when selected. In these cases, there is no offer of appointment after being shortlisted for selection and the rejection of the Petitioners based on priority/preferences at the time of application has no foundation in any legally recognised principles.

36. Though Rule 10 is not under direct challenge, it is not fathomable as to what could be the rationale in introducing Rule 10 and why the preferences could not be altered in this computerised and networked world. All that was required for the Selection Committee was to prepare a tentative list of selectees and give a window for options to be exercised online and within a time frame. Apart from additional man-hours of work for the Selection Committee, such a procedure would have been fair and no hindrance to the selection process would have caused.

37. It is to be noted that the Union Government concerned with the quality of teaching in schools enacted the National Council for

Teacher Education Act, 1993 prescribing minimum qualifications to the Teachers. The Rules and regulations thereunder are followed by all the States. The purpose of the enactment in prescribing minimum qualifications of Teachers is to ensure that best faculty is available to the future citizenry. The attempt of the State in Teacher recruitments should be to ensure that the purpose of the enactment in letter and spirit is carried into the selection processes and not other way round as was done in these cases.

38. Coming to the argument of the learned Government Pleader that as long as Rule 10 is not under challenge, the selections in accordance with the same cannot be questioned does not have any merit as the conflict in the Rules only require interpretation. In *Dhanraj* 's case (3 supra), the Hon'ble Supreme Court noted that there was no plea regarding repugnancy or challenge to the Rule, unlike in [W.P.No.23487 of 2025](#), where pleadings were raised pointing out repugnancy in the notification and the purpose of preferences. As regards the Judgment of the Allahabad High Court in *Ruksar Khan's* case (4 supra), the same is in a factually different scenario where the aspirants erred in personal information particulars in the application and sought

correction mid-way in the selection process. In that context, judgement was rendered that it would not be possible.

39. Coming to the ***Manish Bakawale's*** case (2 supra), preferences were called for uniformed and other services. The first preference was Deputy District Collector and second preference of the applicant in that case was Deputy Superintendent of Police among other preferences. The applicant therein on the basis of marks, was placed in the merit list for Deputy Superintendent of Police and on medical examination was found not to have the minimum height and then sought for consideration of his appointment in other posts. In the interregnum, the selections for other posts were completed. The Hon'ble Supreme Court taking into consideration the clause in the application form enabling the authorities to cancel the appointment on furnishing wrong information and the fact that selections were completed, rejected the claim of the applicant therein. In this case, the Petitioners sought for consideration of their case even before selections were finalised and no wrong information was furnished from their end. Apart from that, the issue regarding preference to merit and the Judgment in ***Anmol***

Kumar Tiwari's case (6 supra) fell for consideration in the above judgement which was rendered on 17.12.2021.

40. The further contention of learned Government Pleader that notified vacancies were filled up to consider the cases of the Petitioners is also unsustainable for the reason that this Court, after hearing the respective counsel, passed a detailed interim order directing the Respondents to consider the cases of the Petitioners in the posts sought for now, in these cases. In the Writ Appeals filed thereon which were disposed of on 16.09.2025, the interim order passed by this Court was not interfered with. In spite of the same, the Respondents proceeded to fill up the vacancies without considering the cases of the Petitioners in utter disregard to the interim orders. Therefore, it is not open to contend that there are no vacancies as that would amount validating a egregious contumacious conduct.

41. In light of the above, the Rule 10 can be interpreted to bind the candidate to the extent of preferences at the time of application, subject to the exercise of preferences after being shortlisted for selection in other posts as per merit rank.

42. For the foregoing reasons, the Writ Petitions are allowed with following directions;

- (i) The Respondents shall consider the Petitioners as per their merit rank for appointment in respective subjects to the post of School Assistant (SA).
- (ii) The above exercise shall be completed within a period of (02) months from the date of receipt of the copy of the order.
- (iii) No order as to costs.

As a sequel, the miscellaneous petitions if any shall stand dismissed.

NYAPATHY VIJAY, J

Date: 29.12.2025

Note: L.R.copy to be marked.
B/o
KLP