

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE G. BIKSHAPATHY**

**and**

**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION NO : 21978 of 2004**

Between:

1. Banka Gopi,

S/o. Venkateswarlu,  
R/o. 5-98/B, Parvari Palem,

Cherla Mandal,

Prakasam District.

2 Kurati Madhava,

S/o. Suryanarayana,  
R/o. C/o. Ch. Kanamma,

Door No. 3-10-11,

Vinayaka Temple, Street,  
Ramachandrapuram,

E.G.District.

**..... PETITIONERS**

**AND**

1. The Govt of A.P., rep. by its

Principal Secretary,

General Admn., Depat.,

Secretariat, Hyderabad.

2 The Govt of A.P., rep. by its

Secretary, TR&B Dept.,

Secretariat, Hyderabad.

3 The Secretary,

A.P. Public Service Commission,

Nampally, Hyderabad ( AP)

#### **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus directing the respondents to consider the case of the Petitioners for appointment for the post of Asst. Motor Vehicle Inspectors without taking into consideration the Physical Requirements mentioned in the Notification No.13 of 2004, by setting aside the Judgment of the Hon'ble A.P. Administrative Tribunal, Hyderabad in O.A.No.6296/2004, dt.19.11.2004, by holding and declaring that the 3rd respondent cannot prescribe such physical measurements in absence of such requirement in the A.P. Transport Service Rules and pass.

**Counsel for the Petitioner: MR.P.V.SUBRAHMANYA SARMA**

**Counsel for the Respondents: GP FOR GENERAL ADMINISTRATION**

**The Court made the following :**

**ORDER** : (Per Honourable Sri Justice G.Bikshapathy)

This writ petition is filed challenging the order passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.6296 of 2004, dated 19-11-2004.

2. The matter relates to the recruitment of the post of Assistant Motor Vehicle Inspectors. In the notification No.13/2003, dated 19-10-2004, the Andhra Pradesh Public Service Commission, Hyderabad, prescribed the following requirements:

**“PHYSICAL REQUIREMENTS FOR P.C.NO.10, ASSISTANT  
MOTOR VEHICLE INSPECTORS IN A.P.TRANSPORT SUB-  
SERVICE.**

A) Must not be less than 167.66 cms. In height and must not be less than 86.3 cms. Round the chest on full inspiration with a minimum expansion of 5 cms. Provided that in the case of candidates belonging to Scheduled Tribes and Aboriginal Tribes where the reserved quota cannot be fully utilized for want of sufficient candidates possessing the requisite physical standards, the physical standards shall be as specified below:

B) Must not be less than 164 cms. In height and must not be less than 83.80 cms. Round the chest on full inspiration with a minimum expansion of 5.00 cms.

C) Must be certified to possess the visual standards specified below without glasses:

i) Right Eye: Distance Vision 6/6 Near Vision: 0.5

Left Eye : Distance Vision 6/6 Near Vision: 0.5 (Shellen)

ii. Each eye must have a full field of vision.

iii. Colour Blindness, Squint or any morbid conditions of the eyes of lids of either eye, knock kness, pigeon chest, flat foot, varicose vains, hammer toes, fractured limbs and decayed teeth shall be deemed to be a disqualification.”

3. It is the contention of the learned counsel for the petitioners that on the earlier occasions, when the recruitment had taken place, no physical requirements were prescribed and even for the higher post, namely, Regional Transport Officers. When a notification was made in the year 2003, no such physical requirements were prescribed and therefore, the prescription of physical requirements is illegal and unwarranted and therefore, the petitioners may be permitted to apply for the post of Assistant Motor Vehicle Inspectors,

without reference to the physical requirements as prescribed in the Notification. The Tribunal, after considering the matter, rejected the said contention on the ground that the requirements are necessary as prescribed in G.O.Ms.No.529, TR&B, dated 04-06-1999. In view of that, the Tribunal dismissed the said O.A. filed by the petitioners. We are not persuaded to accept the contention on behalf of the petitioners that the physical requirements are unwarranted. The rules, having been prescribed in the recruitment procedures, necessarily have to be followed by the recruitment Agency and that is the reason why the Tribunal dismissed the O.A. after referring the G.O.Ms.No.529 TR&B, dated 04-06-1999.

4. Thus, we do not find any illegality in the order passed by the Tribunal. Accordingly the writ petition is dismissed. No costs.

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**(G.BIKSHAPATHY, J)**

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**(B.SESHASAYANA REDDY, J)**

30<sup>th</sup> November, 2004.

**Kvr/Prv**

To

1 The Principal Secretary, Government

of Andhra Pradesh,  
General Administration Department,  
Secretariat, Hyderabad.

2 The Secretary, TR&B Department,  
Government of Andhra Pradesh,  
Secretariat, Hyderabad.

3 The Secretary,  
A.P. Public Service Commission,  
Nampally, Hyderabad ( AP)

4 Two C.Cs to the GP for General Administration,  
High Court buildings,  
High Court of A.P.,  
Hyderabad.(O.U.T.)

5 Two C.D. Copies.

6 The AP Administrative Tribunal,  
Hyderabad.