

of applicants for the position by competitive examination, or unless, as provided for in section 14 of the act (486-14 G. C.), the position calls for peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, such as would, as a matter of law, make competition for the position impracticable. In this opinion it was further said that whether or not within the purview of the provisions of Sections 8 and 14 of the civil service act (Secs. 486-8 and 486-14, G. C.) it is practicable to determine the merit and fitness of applicants for the position of superintendent of the children's home, is a question to be determined by the state civil service commission; and that on a consideration of the provisions of said civil service act it could not be said, as a matter of law, that the merit and fitness of applicants for said position cannot be determined by competitive examination.

What has been said by this department in the opinion just referred to with respect to the position of superintendent of a county children's home has equal application to the position of the superintendent of the county home of a county; and said opinion, together with the other opinion of this department above referred to, is, in my opinion, conclusive with respect to the question submitted by you; and that inasmuch as the State Civil Service Commission has apparently found and determined that the merit and fitness of an applicant for the position of superintendent of the county home of this and other counties of the state can be determined by competitive examination under the rules and regulations prescribed by said Commission, the present superintendent of the county home of the county referred to is not exempted from the examination which the State Civil Service Commission proposes to make with respect to said position, notwithstanding the fact that he has apparently been holding said position by provisional appointment for a number of years. Section 486-14, General Code, provides for provisional appointments in the classified service in certain contingencies therein mentioned, but as to such provisional appointment it is provided that the same "shall continue in force only until regular appointment can be made by eligible lists prepared by the commission." This section of the General Code provides that such eligible lists shall be prepared within ninety days after such provisional appointment is made. However, this provision as to time is clearly directory and there is no legal objection to the commission preparing such eligible lists at this time from which the permanent appointment to this position is to be made.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1710.

APPROVAL, BONDS OF WREN SCHOOL DISTRICT, VAN WERT  
COUNTY—\$95,000.00.

COLUMBUS, OHIO, February 14, 1928.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*