



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/635/2018

Shri Tatu Ruyi,

aged about 27 year, S/o Tage Ruyi, resident of Vill: Bora Rupuk,
P.O. & P.S. Dumporijo, District: Upper Subansiri, Arunachal
Pradesh.

VERSUS

1. The State of Arunachal Pradesh, Represented by the
Commissioner & Secretary to the Govt. of Arunachal Pradesh,
Department of Power, Itanagar.
- 2: The Chief Engineer (P), Central Electrical Zone, Department of
Power, Government of Arunachal Pradesh, Itanagar.
- 3: The Superintending Engineer (E), A.P. Electrical Circle-V,
Department of Power, Government of Arunachal Pradesh, Ziro.
- 4: The Executive Engineer (E), Daporijo Electrical Division,
Department of Power, Government of Arunachal Pradesh,
Daporijo.

Advocate for the Petitioner : K. Bogo, K. Lollen, L. Bam, K. Gamlin

Advocate for the Respondent : Mr. L. Perme, Standing counsel, Power, GA

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

Date of Hearing : 04.08.2023

Date of judgment & order : 04.08.2023

JUDGMENT & ORDER (Oral)

Heard Mr. K. Lollen, learned counsel for the petitioner. Also heard Mr. L. Perme, learned Standing counsel for the Power Department, representing the respondents no. 1 & 3.

2. This writ petition has been filed, challenging the order, dated 09.10.2018, issued by the Superintending Engineer (E), A. P. Electrical Circle – V, Department of Power, Ziro, vide No. SE/APEC-V/EWC-1/2017-18/1298-1300, whereby, the appointment of the petitioner, namely, Shri Tatu Ruyi, to the post of W/C Khallasi (Adhoc), appointed vide the Office order No. SE/APEC-V/EWC-19/2017-18/1953-57, dated 25.01.2018, issued by the Superintending Engineer (E), A.P. Electrical Circle-V, Department of Power, Ziro, from Direct Quota has been cancelled in compliance with the Office Memorandum No. CE(P)/CEZ/EWC/2018-19/1404, Dated 31.08.2018, received from the Chief Engineer (P), Central Electrical Zone, Department of Power, Itanagar, contending that the impugned order, dated 09.10.2018, has been issued without notice to the petitioner.

3. The respondents no. 1, 2, 3 & 4 have filed the counter-affidavit, wherein, it has been stated that the impugned order dated 09.10.2018 has been issued by the Superintending Engineer (E), A. P. Electrical Circle – V, Department of Power, Ziro, cancelling the appointment of the petitioner in the post of W/C Khallasi (Adhoc) dated 25.01.2018, on the basis of the Office Memorandum No. CE(P)/CEZ/EWC/2018-19/1404, Dated 31.08.2018, issued by the Chief Engineer (P), Central Electrical Zone, Department of

Power, Itanagar and the same has been annexed as Annexure 'C' to the counter-affidavit.

4. The aforesaid Office Memorandum No. CE(P)/CEZ/ EWC/2018-19/1404, Dated 31.08.2018, issued by the Chief Engineer (P), Central Electrical Zone, Department of Power, Itanagar, is quoted hereinbelow, for ready reference:

**GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE CHIEF ENGINEER (POWER) CENTRAL ELECTRICAL ZONE
DEPARTMENT OF POWER VIDYUT BHAWAN, ITANAGAR**

NO. CE (P) CEZ/EWC/2018-19/1404-06

Dated 31st August 2018

MEMORANDUM

Whereas on recommendation of Hon'ble Minister (Power) on the note of the Hon'ble MLA, 26th ST Assembly Constituency, Dumporijo this office had issued a letter vide No. CE (P)/CEZ/ESTT/W/C-Misc/Part/2017-18/1748-49 Dtd 16/01/2018 for considering appointment of Shri Tatu Ruyi under direct recruitment quota.

Whereas the aforementioned letter is not an approval order issued to the appointing authority to directly appoint on Shri Tatu Ruyi as W/C Khallashi (Adhoc) without conducting Trades Test/Interview.

Whereas on scrutiny it is observed that the appointing authority has misinterpreted the letter issued by this office as an approval letter for direct appointment.

Whereas the letter issued by this office says 'the appointment may be considered under direct recruitment quota' and is not a approval order for appointment under direct recruitment quota without undergoing recruitment norms.

Whereas after through scrutiny the appointment order is found have lapses, therefore aforementioned appointment order of Shri Tatu Ruyi is fit case for CANCELLATION/TERMINATION.

Whereas SUPERINTENDING ENGINEER (E), ZIRO being the appointing authority shall issue formal Cancellation/Termination order of appointment of Shri Tatu Ruyi W/C Kallshi (Adhoc). After cancellation/termination of aforementioned appointment order, the post fallen vacant shall be continued to be remain for direct recruitment quota.

**Chief Engineer(P)
Central Electrical Zone, Dept. of Power.**

5. On perusal of the Office Memorandum, dated 31.08.2018, issued by the Chief Engineer (P), Central Electrical Zone, Department of Power, Itanagar, it is noticed that on the recommendation of the Hon'ble Minister (Power) on the note of the Hon'ble MLA, 26th ST Assembly Constituency Dumporijo, the Office of the Chief Engineer (P), Central Electrical Zone, Department of Power, Itanagar, had issued a letter vide No. CE(P)/CEZ/ESTT/W/C-Misc/Part/2017-18/1748-49, dated 16.01.2018, for considering the appointment of the petitioner, under direct recruitment quota. The letter, dated 16.01.2018 is not an approval order, issued to the recruitment authority to directly appoint Mr. Tatu Ruyi, the petitioner herein, as W/C Khallasi (Adhoc) without conducting Trades Test/Interview. On scrutiny it has been found that the appointing authority had misinterpreted the letter issued by Office of the Chief Engineer (P), Central Electrical Zone, Department of Power, Itanagar, as an approval letter for direct appointment. The letter, dated 16.01.2018, issued by the Chief Engineer (P), Central Electrical Zone, Department of Power, Itanagar had provided that "the appointment may be considered under direct recruitment quota" and it is not an approval order for appointment under direct recruitment quota without undergoing recruitment norms. Therefore, on a thorough scrutiny, it has been found that there was lapses in issuing the appointment order of Shri Tatu Ruyi, the petitioner herein, as W/C Khallasi (Adhoc), vide the appointment order, dated 25.01.2018 and therefore, it has been found to be a fit case for cancellation/termination of the said appointment order. The Office Memorandum, dated 31.08.2018, further directs the Superintending Engineer (E), A.P. Electrical Circle-V, Department of Power, Ziro, who had issued the appointment order, being the appointing authority to issue a

formal cancellation/termination of the appointment of Shri Tatu Ruyi, the petitioner herein, as W/C Khallasi (Adhoc). Thereafter, it has been directed that after the cancellation/termination of aforementioned appointment order, the post that will fall vacant shall be kept reserved for direct recruitment quota.

7. The impugned order, dated 09.10.2018, has been issued by the Superintending Engineer (E), A. P. Electrical Circle – V, Department of Power, Ziro, vide No. SE/APEC-V/EWC-1/2017-18/1298-1300, in compliance of the Office Memorandum No. CE(P)/CEZ/EWC/2018-19/1404, Dated 31.08.2018, issued by the Chief Engineer (P), Central Electrical Zone, Department of Power, Itanagar.

8. Though the counter-affidavit by the respondents no. 1, 2, 3 & 4, enclosing the Office Memorandum No. CE(P)/CEZ/ EWC/2018-19/1404, Dated 31.08.2018, issued by the Chief Engineer (P), Central Electrical Zone, Department of Power, Itanagar, was filed on 3rd April, 2021, no rejoinder-affidavit has been filed by the petitioner disputing the correctness of the facts recorded in the aforesaid OM, dated 31.08.2018.

9. In view of the above, it is now not in dispute that the petitioner was appointed as W/C Khallasi (Adhoc), pursuant to a letter dated 16.01.2018, written by the Chief Engineer (P), Central Electrical Zone, Department of Power, Itanagar, on the basis of the recommendation of the Hon'ble Minister (Power), on the note of the Hon'ble MLA, 26th ST Assembly Constituency Dumporijo, without conducting any Trade Test/Interview, along with other such eligible candidates. The appointment of the petitioner as W/C Khallasi (Adhoc), vide the order of appointment, dated 25.01.2018, issued by the

Superintending Engineer (E), A.P. Electrical Circle-V, Department of Power, Ziro, therefore, is found to be illegally issued in violation of the norms of recruitment of W/C Khallasi, besides in violation of the Article 14 & 16 of the Constitution of India.

10. In the facts set out hereinabove, what calls for determination by this Court is whether the respondent authorities could have issued the impugned order, dated 09.10.2018, issued by the Superintending Engineer (E), A. P. Electrical Circle – V, Department of Power, Ziro, vide No. SE/APEC-V/EWC-1/2017-18/1298-1300, cancelling the appointment of the petitioner, in the post of W/C Khallasi (Adhoc), appointed vide the Office order No. SE/APEC-V/EWC-19/2017-18/1953-57, dated 25.01.2018, issued by the Superintending Engineer (E), A.P. Electrical Circle-V, Department of Power, Ziro, without issuing any show-cause notice to the petitioner.

11. The impugned order dated 09.10.2018, admittedly has been issued by the Superintending Engineer (E), A. P. Electrical Circle – V, Department of Power, Ziro, vide No. SE/APEC-V/EWC-1/2017-18/1298-1300, in compliance of the Office Memorandum No. CE(P)/CEZ/EWC/2018-19/1404, Dated 31.08.2018, issued by the Chief Engineer (P), Central Electrical Zone, Department of Power, Itanagar.

12. Though, ordinarily, any order passed in violation of the principle of natural justice, would be liable to be interfered with by this Court but the said principle is held to be not an absolute proposition, as can be gathered from the decision rendered by the Hon'ble Supreme Court in the case of **M.C. Mehta vs. Union of India and Ors.**, reported in **(1999) 6 SCC 237**.

13. Paragraph Nos. 16, 17, 18, 19, 20, 21, 22 & 23 of **M.C. Mehta vs. Union**

of India and Ors., reported in **(1999) 6 SCC 237**, may be noticed at this stage, which are reproduced herein below:

16. Courts are not infrequently faced with a dilemma between breach of the rules of natural justice and the court's discretion to refuse relief even though the rules of natural justice have been breached, on the ground that no real prejudice is caused to the affected party.

17. We shall initially refer to two cases where discretion was exercised not to grant relief and the first one was a case where relief was refused even though there was breach of natural justice. The first one is Gadde Venkateswara Rao v. Govt. of A.P. There the Panchayat Samithi, in exercise of its statutory powers passed a resolution on 25.8.1960 to locate a primary health centre at Dharmajigudem. Later, it passed another resolution on 29.5.1961 to locate it at Lingapalem. On a representation by villagers of Dharmajigudem, Government passed orders on 7.3.1962 setting aside the second resolution, dated 29.5.1961 and thereby restoring the earlier resolution, dated 25.8.1960. The result was that the health centre would continue at Dharmajigudem. Before passing the orders, dated 7.3.1962, no notice was given to the Panchayat Samithi. This Court traced the said order of the Government, dated 7.3.1962 to section 62 of the Act and if that were so, notice to the Samithi under section 62(1) was mandatory. Later, upon a review petition being filed, Government passed another order on 18.4.1963 cancelling its order, dated 7.3.1962 and accepting the shifting of the primary centre to Lingapalem. This was passed without notice to the villagers of Dharmajigudem. This order of the Government was challenged unsuccessfully by the villagers of Dharmajigudem in the High Court. On appeal by the said villagers to this court, it was held that the latter order of the Government, dated 18.4.1963 suffered from two defects, it was issued by Government without prior show cause notice to the villagers of Dharmajigudem and the Government had no power of review in respect of Government orders passed under section 62(1). But that there were other facts which disentitled the quashing of the order, dated 18.4.1963 even though it was passed in breach of principles of the natural justice. This court noticed that the setting aside of the later order, dated 18.4.1963 would restore the earlier order of the Government, dated 7.3.1962 which was also passed without notice to the affected party, namely, the Panchayat Samithi. It would also result in the setting aside of a valid resolution, dated 29.5.1961 passed by the Panchayat Samithi. This

court refused relief and agreed that the High Court was right in not interfering under Article 226 even if there was violation of natural justice. Subba Rao, j., as he then was, observed (page 189) as follows :

"Both the orders of the Government, namely, the order, dated 7.03.1962, and that of, dated 18.04.1963, were not legally passed : the former, because it was made without giving notice to the Panchayat Samithi, and the latter, because the Government had no power under section 72 of the Act to review an order made under section 62 of the Act and also because it did not give notice to the representatives of Dharmajigudem village." (Emphasis supplied)

His Lordship concluded as follows :

" In those circumstances, was it a case for the High Court to interfere in its discretion and quash the order of the Government, dated 18.04.1963? If the High Court had quashed the said order, it would have restored an illegal order - it would have given the Health Centre to a village contrary to the valid resolutions passed by the Panchayat Samithi. The High Court, therefore, in our view, rightly refused to exercise its extraordinary discretionary power in the circumstances of the case."

The above case is a clear authority for the proposition that it is not always necessary for the court to strike down an order merely because the order has been passed against the petitioner in breach of natural justice. The court can under Article 32 or Article 226 refuse to exercise its discretion of striking down the order, if such striking down will result in restoration of another order passed earlier in favour of the petitioner and against the opposite party, in violation of the principles of natural justice or is otherwise not in accordance with law.

18. We would next refer to another case, where, though there was no breach of the principles of natural justice, this court held that interference was not necessary, if the result of interference would be the restoration of another order which was not legal. In Mohammad Swalleh and others v. IIIrd ADJ, which arose under the U.P. Urban Buildings (Regulations of Letting, Rent and Eviction) Act, 1972, the prescribed authority dismissed an application filed by the landlord and this was held clearly to be contrary to the very purpose of section 43(2) (rr) of the Act. The District Court entertained an appeal by the landlord and allowed the landlord's appeal without noticing that such an appeal was not maintainable. The tenant filed a writ petition in the

High Court contending that the appeal of the landlord before the District Court was not maintainable. This was a correct plea. But the High Court refused to interfere. On further appeal by the tenant, this court accepted that though no appeal lay to the District Court, the refusal by the High Court to set aside the order of the District Judge was correct as that would have restored the order of the prescribed authority, which was illegal.

19. Learned senior counsel for Bharat Petroleum contended that once natural justice was violated, the court was bound to strike down the orders and there was no discretion to refuse relief and no other prejudice need be proved.

20. It is true that in Ridge v. Baldwin, it has been held that breach of the principles of natural justice is in itself sufficient to grant relief and that no further de facto prejudice need be shown. It is also true that the said principles have been followed by this court in several cases, but we might point out that this court has not laid down any absolute rule. This is clear from the judgment of Chinnappa Reddy, J., in S. L. Kapoor v. Jagmohan. After stating (SCC p. 395, para 24) that 'principles of natural justice know of no exclusionary rule dependent on whether it would have made any difference if natural justice had been observed' and that 'non-observance of natural justice is itself prejudice to any man and proof of prejudice independently of proof of denial of natural justice is unnecessary', Chinnappa Reddy, J., also laid down an important qualification as follows : (SCC p. 395, para 24)

"As we said earlier, where on the admitted or indisputable facts, only one conclusion is possible and under the law only one penalty is permissible, the court may not issue its writ to compel the observance of natural justice, not because it is not necessary to observe natural justice, but because courts do not issue futile writs."

21. It is, therefore, clear that if on the admitted or indisputable factual position, only one conclusion is possible and permissible, the court need not issue a writ merely because there is violation of the principles of natural justice.

22. Before we go into the final aspects of this contention, we would like to state that cases relating to breach of natural justice do also occur where all facts are not admitted or are not all beyond dispute. In the context of those cases, there is a considerable case law and literature as to whether relief can be refused even if the court thinks

that the case of the applicant is not one of 'real substance' or that there is no substantial possibility of his success or that the result will not be different, even if natural justice is followed. See Malloch v. Aberdeen Corporation (per Lord Reid and Lord Wilberforce), Glynn v. Keele University, Cinnamond v. British Airport Authority and other cases where such a view has been held. The latest addition to this view is R v. Ealing Magistrates' Court ex p Fannaran (Admn LR at p. 358) (see De Smith, Suppl., page 89) (1998) where Straughton, L. J, held that there must be 'demonstrable beyond doubt' that the result would have been different. Lord Woolf in Lloyd v. McMohan [1987] (WLR at p. 862) has also not disfavoured refusal of discretion in certain cases of breach of natural justice. The New Zealand court in McCarthy v. Grant, however, goes half way when it says that (as in the case of bias), it is sufficient for the applicant to show that there is 'real likelihood - not certainty - of prejudice'. On the other hand, Garner's Administrative Law, 8th Edition, 1996, pages 271-272, says that slight proof that the result would have been different is sufficient. On the other side of the argument, we have apart from Ridge v. Baldwin, Megarry, J., in John v. Rees, stating that there are always 'open and shut cases' and no absolute rule of proof of prejudice can be laid down. Merits are not for the court but for the authority to consider. Ackner, J., has said that the 'useless formality theory' is a dangerous one and, however' inconvenient, natural justice must be followed. His Lordship observed that convenience and justice are often not on speaking terms'. More recently, Lord Bingham has deprecated the 'useless formality' theory in R v. Chief Constable of the Thames Valley Police Force ex p Cotton, by giving six reasons. (See also his article 'Should Public Law Remedies be Discretionary?' 1991 PL 64). A detailed and emphatic criticism of the 'useless formality theory' has been made much (of) earlier in 'Natural justice, Substance or Shadow' by Prof. D. H. Clark of Canada (see 1975 PL, pages 27-63) contending that Malloch and Glynn were wrongly decided. Foulkes (Administrative Law, 8th Edition, 1996, pages 323), Craig Administrative Law, 3rd Edition, page 596, and others say that the court cannot prejudge what is to be decided by the decision making authority. De Smith, 5th Edition, 1994, paras 10.031 to 10.036, says courts have not yet committed themselves to any one view though discretion is always with the court. Wade Administrative Law, 5th Edition, 1994, pages 526-530, says that while futile writs may not be issued, a distinction has to be made according to the nature of the decision. Thus, in relation to cases other than those relating to

admitted or indisputable facts, there is considerable divergence of opinion whether the applicant can be compelled to prove that the outcome will be in his favour or he has to prove a case of substance or if he can prove a 'real likelihood' of success or if he is entitled to relief even if there is some remote chance of success. We may, however, point out that even in cases where the facts are not all admitted or beyond dispute, there is a considerable unanimity that the courts can, in exercise of their 'discretion', refuse certiorari, prohibition, mandamus or injunction even though natural justice is not followed. We may also state that there is yet another line of cases as in State Bank of Patiala v. S. K. Sharma, Rajendra Singh v. State of M. P., that even in relation to statutory provisions requiring notice, a distinction is to be made between cases where the provision is intended for individual benefit and where a provision is intended to protect public interest. In the former case, it can be waived while in the case of the latter, it cannot be waived.

23. We do not propose to express any opinion on the correctness or otherwise of the 'useless formality' theory and leave the matter for decision in an appropriate case, inasmuch as, in the case before us, 'admitted and indisputable' facts show that grant of a writ will be in vain as pointed out by Chinnappa Reddy, J.

14. From perusal of the aforesaid paragraphs in the case of **M.C. Mehta (supra)** referred to hereinabove, it is noticed that though the breach of principle of natural justice is in itself sufficient to grant relief but 2 (two) exceptions have been culled out from the said principle, which is as under:

(i). It is not always necessary for the court to strike down an order merely because the order has been passed against the petitioner in breach of natural justice. The court under Article 226 can refuse to exercise its discretion of striking down the order, if such striking down will result in restoration of another order passed earlier in favour of the petitioner and against the opposite party, in violation of the principles of natural justice or otherwise is not in accordance with law.

(ii). That if on the admitted or indisputable factual position, only one conclusion is possible and permissible, the court need not issue a writ merely because there is violation of principles of natural justice, not because it is not necessary to observe natural justice but because Courts do not issue futile writs.

15. In other words, though the order impugned may have been passed in breach of the principle of natural justice, the discretion has been conferred on the Court under Article 226 of the Constitution of India to refuse to exercise its discretion of striking down the order, if such striking down will result in restoration of another illegal order passed earlier in favour of the petitioners.

16. Applying the first exception culled out by the Hon'ble Supreme Court in the case of ***M. C. Mehta (supra)***, in the instant case, it is not in dispute that the petitioner was appointed as W/C Khallasi (Adhoc) vide the Office order No. SE/APEC-V/EWC-19/2017-18/1953-57, dated 25.01.2018, issued by the Superintending Engineer (E), A.P. Electrical Circle-V, Department of Power, Ziro, pursuant to a letter, dated 16.01.2018, written by the Chief Engineer (P), Central Electrical Zone, Department of Power, Itanagar, vide No. CE(P)/CEZ/ESTT/W/C-Misc/Part/2017-18/1748-49, on the basis of the recommendation of the Hon'ble Minister (Power) on the note of the Hon'ble MLA, 26th ST Assembly Constituency Dumporijo, without conducting any trade test/interview, along with other such eligible candidates and also without following the due process of advertising the post and conducting a selection. Thus, the petitioner was appointed, in violation of the Article 14 & 16 of the Constitution of India, thereby, depriving the other eligible

candidates to participate in the selection process, had such selection process been undertaken by the respondent authorities after the post was put to an advertisement and selection held pursuant thereto.

17. In the aforesaid admitted position of the fact, namely, the petitioner's appointment was in fact, an illegal appointment, in the event, the impugned cancellation order of the petitioner's appointment as W/C Khallasi, vide the order, dated 09.10.2018, issued by the Superintending Engineer (E), A. P. Electrical Circle – V, Department of Power, Ziro, vide No. SE/APEC-V/EWC-1/2017-18/1298-1300, is struck down by this Court for violation of the principle of natural justice of the petitioner, such, striking down of the impugned cancellation order of the petitioner's appointment as W/C Khallasi will result in restoration of the illegal appointment order, dated 25.01.2018, issued by the Superintending Engineer (E), A.P. Electrical Circle-V, Department of Power, Ziro, vide Office order No. SE/APEC-V/EWC-19/2017-18/1953-57. In such a situation, it has been held by the Hon'ble Supreme Court in the case of **M. C. Mehta (supra)** that refusal to exercise the discretionary power of the Court under Article 226 of the Constitution of India would be permissible and justified even if the order impugned was issued in violation of the principle of natural justice.

18. Applying the second exception, culled out by the Hon'ble Supreme court in the case of **M. C. Mehta (supra)**, it is again an admitted and indisputable factual position that the petitioner was illegally appointed as W/C Khallasi (Adhoc), vide order, dated 25.01.2018, issued by the Superintending Engineer (E), A.P. Electrical Circle-V, Department of Power, Ziro, vide Office order No. SE/APEC-V/EWC-19/2017-18/1953-57, pursuant to a letter dated 16.01.2018, written by the Office of the Chief Engineer (P),

Central Electrical Zone, Department of Power, Itanagar, vide No. CE(P)/CEZ/ESTT/W/C-Misc/Part/2017-18/1748-49, on the basis of the recommendation of the Hon'ble Minister (Power) on the note of the Hon'ble MLA, 26th ST Assembly Constituency Dumporijo, without conducting any trade test/interview, along with other such eligible candidates. Therefore, the petitioner's appointment as W/C Khallasi (Adhoc) was made by the respondent authorities, without following the constitutional scheme of appointment to a public post.

19. If it is the admitted and indisputable factual position, the one and the only conclusion possible and permissible in the facts and circumstances of the case is that the appointment of the petitioner cannot be sustained in law for having been made in violation of the Constitutional scheme of appointment to the post of W/C Khallasi (Adhoc), namely Article 14 & 16 of the Constitution of India. If that is the only conclusion possible and permissible, which it is in the present case, it has been held in the case of ***M. C. Mehta (supra)*** that Court need not issue a writ merely because there is violation of the natural justice, not because it is not necessary to observe natural justice but because Courts do not issue futile writs.

20. In that view of the matter, if the impugned order dated 09.10.2018, issued by the Superintending Engineer (E), A. P. Electrical Circle – V, Department of Power, Ziro, vide No. SE/APEC-V/EWC-1/2017-18/1298-1300, cancelling the appointment order, dated 25.01.2018, issued by the Superintending Engineer (E), A.P. Electrical Circle-V, Department of Power, Ziro, vide Office order No. SE/APEC-V/EWC-19/2017-18/1953-57, appointing the petitioner as W/C Khallasi (Adhoc) is interfered with by this Court, it will

amount to restoration of the order of appointment, dated 25.01.2018, which has been found to be issued illegally in violation of the norms of recruitment of W/C Khallasi besides in violation of the Article 14 & 16 of the Constitution of India.

21. Under the circumstance, I am not inclined to interfere with the impugned order, dated 09.10.2018, issued by the Superintending Engineer (E), A. P. Electrical Circle – V, Department of Power, Ziro, vide No. SE/APEC-V/EWC-1/2017-18/1298-1300, even if the said order has been issued without notice to the petitioner, for the reason that in the event, the order dated 09.10.2018 is interfered with by this Court, it will result in restoration of yet another illegal order of appointment, dated 25.01.2018, issued by the Superintending Engineer (E), A.P. Electrical Circle-V, Department of Power, Ziro, appointing the petitioner as W/C Khallasi (Adhoc), vide Office order No. SE/APEC-V/EWC-19/2017-18/1953-57.

22. In that view of the matter, the writ petition stands dismissed, being found to be devoid of merit.

23. Interim order passed earlier, stands vacated.

24. No cost.

JUDGE

Comparing Assistant