

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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AND

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THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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WRIT PETITION No. 21485 of 2015

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ORDER: (per Hon'ble Sri Justice G. Chandraiah)

This writ petition is filed seeking to set aside the orders dated 09.06.2015 in O.A.No.2754 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

2. The petitioners-applicants filed the above Original Application before the Tribunal seeking a direction to the respondents to publish the final selection list of candidates in pursuance of Notification No.15/2011 dated 18.09.2012 and Notification No.18/2011 dated 28.09.2012.

The case of the applicants is that pursuant to the said notifications issued by the A.P. Public Service Commission for recruitment to Group-I posts, the applicants applied against the vacancies and were qualified in the preliminary examination and also appeared in the main examination and interview, but final results are not yet declared.

The Tribunal, in the orders impugned, has observed that there was a litigation with regard to the issue of incorrect questions and incorrect key in respect of the present recruitment in O.A.No.7809/2012 and batch; and the Tribunal by orders dated 04.01.2013 directed the Service Commission to appoint an Expert Committee to decide correctness of certain questions and further directed to publish results by permitting the respondents to proceed with the selection process, but final selection would be subject to final outcome to be arrived at by the Expert Committee. The said order of the Tribunal was carried in

appeal before this Court and was further appealed before the Hon'ble Supreme Court in Civil Appeal No.9140 of 2013. The Supreme Court, by orders dated 07.10.2013 directed the A.P. Public Service Commission, to conduct a *de novo* main examination by deleting the six wrong questions and to proceed further in the selection process. Later, on the petition filed by the A.P. Public Service Commission in I.A.No.4 in Civil Appeal No.9140/2013, the Hon'ble Supreme Court, by orders dated 20.01.2014, modified its earlier orders dated 07.10.2013 to the effect that 7711 candidates, though succeeded in the preliminary examination, had chosen not to appear for the main examination on the earlier occasion and hence those 7711 candidates shall be deemed to have given up their claim to appear in the main examination to be held *de novo*.

In view of the orders passed by the Hon'ble Supreme Court, the Tribunal dismissed the O.A. on the ground that cause of action does not survive since the O.A. was instituted on the earlier orders of the Tribunal, dated 04.01.2013, which are no more in operation. Aggrieved by the dismissal of the O.A., the present writ petition is filed.

3. Heard.

4. A perusal of the orders of the Tribunal would show that earlier with regard to certain incorrect questions, a batch of applications viz., O.A.No.7809/2012 & batch, came to be filed before the Tribunal, upon which the Tribunal directed the Public Service Commission to appoint an Expert Committee to look into the issue and also directed the respondents to go ahead with the selection process, but, however, the final selection would be subject to final outcome to be arrived at by the Expert Committee. The said order of the Tribunal was challenged before this Court and later before the Hon'ble Supreme Court. The Hon'ble Supreme Court, by orders dated 07.10.2013, directed the A.P. Public Service Commission to conduct a *de novo* main examination.

Later, on the petition filed by the Public Service Commission, the Hon'ble Supreme Court modified its earlier orders dated 07.10.2013, by orders dated 20.01.2014 to the extent that 7711 candidates who have not appeared in the main examination, though they are qualified in the preliminary examination, are deemed to have relinquished their claim for sitting in the main examination. The Tribunal, after proper appreciation of the facts of the case, has rightly dismissed the O.A., observing that the orders dated 04.01.2013, passed by it have become defunct and hence the O.A. filed basing on the said orders is misconceived in view of the orders dated 20.01.2014 passed by the Hon'ble Supreme Court in I.A.No.4 in Civil Appeal No.9140/2013.

5. Inasmuch as the Tribunal has discussed and recorded the factual position, we do not find any illegality or infirmity in the orders impugned.

6. The writ petition is, accordingly, dismissed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

G. CHANDRAIAH, J

A. SHANKAR NARAYANA, J

30th December, 2015

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