

xfTHE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.Nos.35424 of 2012 and 10224 of 2013

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ORDER:

It is now brought to my notice by the counsel appearing on both sides that a Division Bench of this Court by its common Judgment dated

06-11-2014 rendered in W.A. Nos.404 of 2006, 492 of 2009, W.P.Nos.3383, 13318, 13934 and 14136 of 2007, has concluded the issue in the following terms:

“We are of the view that the challenge to B.P.Ms.No.1048, dated 23.09.1989, virtually became nugatory or redundant, once the respondents were extended the benefit of appointment as J.P.As., by relaxing those very qualifications. If they were of the view that the stipulation of the qualification itself is wrong, they were not supposed to reap the benefit under memo, dated 01.12.2000. Conversely, once they have availed the benefit under memo, dated 01.12.2000, they cannot challenge B.P.Ms.No.1048, dated 23.09.1989.

However, once the appellants have relaxed the qualifications and appointed the respondents as J.P.As., the date of such appointment ought to have been 06.12.1996, as was done in the case of other candidates, who were appointed in the year 1998. This can be for the limited purpose of fixation of pay scales for the respondents, who were discharging the same functions as those that were appointed as J.P.As., in the year 1998, with effect from 06.12.1996. The learned Single Judge granted the relief in those lines and we do not find any basis to interfere with the same.

However, the apprehension of the

appellants as well as J.P.As., who have been appointed in the year 1998, that the respondents herein may claim seniority over them, cannot be ignored. Since the respondents herein i.e. the writ petitioners, did not hold the same qualifications as the persons regularised in 1998, they deserve to be treated as juniors to them.

With this clarification, we dispose of the writ appeals and writ petitions, upholding the order passed by the learned Single Judge. There shall be no order as to costs.”

In view of the submission made by the learned counsel on either side, these writ petitions also stand disposed of in terms of the common Judgment mentioned above, but however, without costs.

Consequently, the miscellaneous petitions, if any, also stand disposed of.

**NOOTY RAMAMOHANA
RAO, J.**

mrk
02.02.2015.