

HONOURABLE SRI JUSTICE G.CHANDRAIAH
AND
HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No. 20408 OF 2004

DATED 12TH November, 2015

BETWEEN

The Government of Andhra Pradesh,
Rep. by its Secretary, Revenue Department,
Secretariat, AP, Hyderabad and ors.
....Petitioners

And

Kum. S.Malleshwari

...Respondent.

HONOURABLE SRI JUSTICE G.CHANDRAIAH
AND
HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No. 20408 OF 2004

ORDER: (Per Hon'ble Sri Justice G.CHANDRAIAH)

The respondent herein is the applicant in O.A.No.9239 of 2002 on the file of the Andhra Pradesh Administrative Tribunal. She filed the aforesaid OA to declare the action of respondents therein in not considering her case for the post of Junior Assistant/Typist notified in the Notification dated 13.5.2002 and re-notification issued by the District Collector, Medak at Sangareddy thereon and not calling her for interview inspite of her being the most meritorious as illegal and arbitrary and violative of Sub Para 8 of Para 8 of the A.P. Public Employment (Organization of Local Cadre and Regulation of Direct Recruitment) Order, 1975 and for a consequential direction to the authorities to consider her case for selection to the post of Junior Assistant/Typist.

It is the case of the respondent herein/applicant before the Tribunal that in response to the notification dated 13.5.2002 calling for applications from the physically handicapped persons, she applied for both the posts of Junior Assistant and Typist. It is her case that she did well in the examination. However, her name did not find place in the list of persons qualified in the written examination and on enquiry, she came to know that she was treated as non-local and therefore she was not selected.

Aggrieved by the same, she preferred aforesaid OA. The Andhra Pradesh Administrative Tribunal was of the opinion that as per Annexure-III appended to G.O.Ms.No.763, General Administration (SPF.A) Department, dated 15.11.1975, combined merit list has to be prepared first and thereafter candidates in the order of merit have to be allotted keeping in view the rule of reservation provided under General Rule 22 in Part-II of the Andhra Pradesh State and Subordinate Service Rules providing for reservation in favour of the Scheduled Castes, Scheduled Tribes, Backward Classes and the A.P. Public Employment (Organization of Local Cadres and Regulation of Direct Recruitment) Order, 1975 and disposed of the said OA through its order dated 09.07.2003 directing the respondent authorities therein to call the applicant/petitioner for interview if she comes up within the zone of consideration of candidates qualified in written test and thereafter taking into

consideration the marks obtained in the written examination as well as in the oral test, selection list shall be prepared by the authorities in accordance with the Presidential Order, 1975 read with Annexure-III of the G.O.Ms.No.763, dated 15.11.1975. Aggrieved by the same, Revenue Department filed the present Writ Petition.

This Court while admitting the Writ Petition on 27.12.2004 granted interim suspension of the operation of the order dated 09.07.2003 passed in OA.No.9239 of 2002 by the Andhra Pradesh Administrative Tribunal.

Despite service of notice, none appeared for the respondent nor any representation is made on her behalf.

The ground on which the present Writ Petition filed is that by the date of disposal of aforesaid OA by the Andhra Pradesh Administrative Tribunal, the petitioner authorities after conducting the medical examination to all the candidates who were selected in the interview, filled up the posts notified in the notification dated 15.5.2002. Further it is pertinent to see that pursuant to the interim suspension of the operation of the order of the Tribunal granted by this Court on 27.12.2004, the respondent has neither taken any steps to vacate the said order nor come forward to contest the Writ Petition. By reason of efflux of time and in view of the interim order of this Court that being in force all through, it is not just and proper at this juncture of time to enter into the merits or otherwise of the order of the Tribunal and disturb the settled position of the employees who were appointed pursuant to the notification dated 15.5.2002, more particularly in the absence of contest of the Writ Petition by the respondent. In that view of the matter we are inclined to dispose of the matter as no further orders are necessary.

Subject to the above, the Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE G. CHANDRAIAH

JUSTICE U.DURGA PRASAD RAO

DATED 12TH NOVEMBER, 2015.

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