

THE HON'BLE SRI JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT APPEAL No.30 of 2007

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JUDGMENT: (Per Hon'ble Sri Justice Dilip B. Bhosale)

Heard the learned Counsel for the parties.

This Writ Appeal is directed against the order dated 13.12.2005 passed in W.P.No.25907 of 2005, filed by the first respondent, challenging the proceedings dated 28.09.2005, whereby the second respondent was informed that the panel prepared on 18.05.1998 of the selected candidates, including the first respondent, was valid only for one year and thereby, they refused approval of her appointment as Principal.

We have perused the order passed by the learned single Judge and it appears that the first respondent had filed W.P.No.23649 of 1998, assailing the proceedings dated 16.07.1998, as well as the action of the appellant in refusing to accord approval to her appointment, as Principal. The Writ Petition was disposed of on 16.06.2005 holding that the action of the appellant, in declaring the Lecturer, by name Sujanamathi, as senior to the first respondent, did not have any impact on the selection to the post of the Principal, since both of them were considered by the Selection Committee. With these observations, directions were issued to the appellant to consider the recommendations of the Selection Committee made in the year 1998, and pass appropriate orders, within a period of three months. Despite this order, the appellant i.e., the first respondent in the Writ Petition, vide his order dated 28.09.2005, refused to approve the appointment of the first respondent on the ground that the panel prepared on 18.05.1998 was valid only for one year. In this backdrop and after having considered the entire materials before the Court, the learned Judge

allowed the Writ Petition and directed the appellant to pass orders, as regards the approval, on the basis of the panel submitted to him on 18.05.1998, within a period of two weeks from the date of receipt of a copy of the order. While issuing such direction, in the concluding paragraph, the learned single Judge made the following observations:

“This Court finds that the first respondent has deliberately and wantonly placed distorted interpretation on the orders of this Court and made the petitioner to suffer. Hence, a sum of Rs.5,000/- (five thousand) is awarded as costs to the petitioner to be paid by the first respondent, from his own funds.”

This Court while admitting the appeal, vide order dated 16.04.2007 and while granting interim suspension as prayed for, made the following observations:

“We are informed the respondent is already functioning as Incharge Principal. In the circumstances, she shall not be disturbed from the same only because of the present interim suspension order passed today and in the event of the eventual confirmation of the order in appeal, the respondent writ petitioner shall be entitled for all the benefits of the office with effect from the appropriate date which she is found due to be appointed as Principal.”

During the pendency of the appeal, it is not in dispute, that the first respondent attained the age of superannuation. Keeping that in view and considering the reasons recorded by the learned Judge in the impugned order, we do not find any reason to interfere with the same in the instant appeal. Hence, the appeal is dismissed.

Insofar as the order directing the appellant to pay costs of Rs.5,000/- is concerned, at this stage, learned Counsel for the respondents fairly submits, as prayed for on behalf of the appellant, he has no objection if that part of the order is set aside. In view thereof, the order directing the appellant to pay costs of Rs.5,000/- (Rupees five thousand only), as awarded by the impugned order, is set aside. The miscellaneous petitions, if any, stand disposed of. No costs.

(DILIP B. BHOSALE, J)

(A.RAMALINGESWARA RAO, J)

09.04.2015

vs

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