

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 41309 OF 2014

ORDER:

The petitioner sought for a writ of mandamus for declaring the proceedings dated 30.06.2008 issued by the District Collector, Ranga Reddy appointing the 4th respondent as an Attender with the Agricultural Market Committee, Medchal in Ranga Reddy District, as illegal.

The inspiration for filing this Writ Petition is the averment that the 4th respondent had played fraud and falsely claimed his social status as a member belonging to the Scheduled Castes, whereas he actually belongs to 'Golla' community, which is recognized as belonging to Backward Classes Group-D.

According to the learned counsel for the petitioner, the petitioner has also competed for selection to the post of an Attender in the Agricultural Market Committee, which is required to be filled in by the candidates belonging to the Scheduled Castes, as the vacancies are backlog vacancies meant to be filled in by that particular social sector. The petitioner himself has obtained social status certificate from the competent authority as lately as on 11.11.2011 i.e. post-selection event. The 4th respondent, as per the information furnished by the Tahsildar, Yacharam Mandal, Ranga Reddy District, belongs to 'Golla' community, which is recognized as 'BC-D'. Inspired by this piece of information furnished by the Tahsildar, the present Writ Petition is filed.

The petitioner, as is made out, is a competitor for the post. Then, he is an aggrieved person by the selection of the 4th respondent. He ought to have therefore, approached the Andhra Pradesh Administrative Tribunal within the period of limitation prescribed under the Administrative Tribunals Act, as the services of the Agricultural Market Committees have been organized as a local cadre and the jurisdiction to deal with such service disputes has been conferred

upon the Andhra Pradesh Administrative Tribunal. To get over this period of limitation, the present Writ Petition has been instituted obviously.

Though there is no specified period of limitation prescribed for moving an Application under Article 226 of the Constitution, the principle is that the aggrieved person must initiate the proceedings under Article 226 within a reasonable period of time. More than six years' time has already elapsed from the date the 4th respondent came to be appointed. There is no explanation as to why the petitioner kept quiet all these six years. If, truly, the petitioner is aggrieved by the improper selection of the 4th respondent, he ought to have approached either the District Collector, Ranga Reddy or the Commissioner and Director of Marketing, so that appropriate investigation would have been initiated into the matter. Therefore, the *bona fides* behind this litigation become suspect. For the delay and laches in initiating the proceedings and for lack of *bona fides*, the Writ Petition deserves to be dismissed and accordingly, it is dismissed at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

20th January 2015

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