

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTI

WRIT PETITION No.31626 of 2014

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This writ petition is filed by the Government aggrieved by the interim order passed by the A.P. Administrative Tribunal in O.A.No.4870 of 2014 dated 12.08.2014.

The earlier order dated 18.06.2014 passed by the Commissioner and Director of School Education (3rd petitioner herein) was suspended by the Tribunal; and petitioners 1 to 3 herein were directed to consider the candidature of the 1st respondent herein for appointment to the post of School Assistant (M) in the vacancy which arose due to the cancellation of the selection/appointment of one Smt. K.Manjula, if the applicant comes within the zone of the consideration as per her merit and ranking and eligibility criteria.

Learned Government Pleader for Services would submit that the *ex parte* interim order, passed by the Tribunal, in effect, amounts to allowing the O.A. itself; and such an order could not have been passed without giving the petitioners herein an opportunity of filing their counter affidavit.

Sri D.Bala Kishan Rao, learned counsel for the 1st respondent would submit that the petitioners herein have not filed their counter affidavit, in the said O.A., even till date.

While we were initially inclined to admit the writ petition and grant interim suspension of the order of the Tribunal,

Sri D.Bala Kishan Rao, learned counsel for the 1st respondent, would submit that, instead of keeping the writ petition pending on the file of this Court, it would suffice if the matter is remanded back to the Tribunal; and the petitioners herein are directed to file their counter affidavits within a specified time frame.

Ends of justice would, therefore, be met if the order

under challenge in this writ petition is set aside; and the Tribunal is directed to consider the interlocutory application afresh after giving the petitioners herein an opportunity of filing their counter affidavit. It is made clear that, in case the petitioners herein do not file their counter affidavit before the Tribunal within four (4) weeks from today, it is open to the Tribunal to proceed and dispose of the I.A. or O.A. itself in accordance with law.

The writ petition is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

26th March 2015.

Issue C.C. in one week.

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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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Date: 26.03.2015

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