

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* HON'BLE SRI JUSTICE M. GANGA RAO

+ W.P.NOs.36807 of 2012 & 38614 of 2015

% Date: 03-01-2018

W.P.No.36807/ 2012

Between:

Sajeeda Praveen Shaik D/o. Feroze Basha,
R/o. D.No.19-4-17, Lancehster Road,
Sangadigunda, Guntur, Guntur District.

.... Petitioner
(in both the W.Ps)

And

1. The Andhra Pradesh Public Service Commission, rep. by its Secretary, Nampally, Hyderabad.
2. The Government of A.P., rep. by its Principal Secretary, General Administration Department, Secretariat, Hyderabad.
3. The Government of A.P., rep. by its Principal Secretary, Higher Education Department Secretariat, Hyderabad.
4. The Andhra Pradesh Administrative Tribunal Hyderabad, rep. by its Registrar.

... Respondents
(in both the W.Ps)

! Counsel for the Petitioner : Mr. J. Ramachandra Rao

^ Counsel for Respondent No.1 : Mr. G. Vivekananda

^ Counsel for Respondent Nos.2 to 3 : G.P. for Services-I

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? Cases referred

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M. GANGA RAO

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ORDER: (Per VRS,J)

Pursuant to a notification dated 29.12.2011 inviting applications for appointment to the post of Lecturers in Government Degree Colleges, the petitioner in these two writ petitions, applied. But in paragraph-2 of the notification, it was prescribed that a candidate should have passed NET/SLET, unless he/she had a Ph.D.

2. Therefore, contending that she had just submitted her thesis for Ph.D and waiting for the award of degree, the petitioner filed O.A.No.8774 of 2012 on the file of the A.P. Administrative Tribunal. On 09.11.2012, the A.P. Administrative Tribunal admitted the Original Application, but refused to grant an interim order permitting the petitioner to participate in the interview.

3. Challenging the refusal of the Tribunal to grant an interim order, the petitioner came up with the first writ petition, W.P.No.36807 of 2012. The said writ petition was dismissed by this Court, forcing the petitioner to file a Special Leave Petition in S.L.P.(Civil).No.2214 of 2014. After granting leave and converting the petition into Civil Appeal No.6956 of 2015, the Supreme Court disposed of the same, remanding the matter to this Court to consider one particular controversy relating to the qualifications under Para-2 of the Notification. Thus W.P.No.36807 of 2012, which was disposed of by this Court on 28.11.2012, has now come back on remand from Supreme Court.

4. In the meantime, not only the interviews were over and selection concluded but the Original Application filed by the petitioner also

got dismissed for non-prosecution on 22.02.2017. The petitioner filed M.A.No.615 of 2017 seeking restoration. The application for restoration was dismissed by the Tribunal by order dated 27.10.2017. Challenging the refusal of the Tribunal to restore the Original Application, the petitioner has come up with the second writ petition W.P.No.38641 of 2015.

5. In the first writ petition in W.P.No.36807 of 2012, nothing remains to be considered now at this stage. This is for the reason that this writ petition arose out of the refusal of the Tribunal to grant an interim order. The interim order sought by the petitioner before the Tribunal was to direct the respondents to allow her to participate in the interview. Despite the order of remand passed by the Supreme Court, now we cannot grant this interim order because the interviews were over six years ago.

6. The learned counsel for the petitioner almost argued the main original application before us, by drawing our attention to the notification and various statutory prescriptions. We hope that we agree with her. Even if we agree with her, W.P.No.36807 of 2012 cannot be allowed today by granting the interim order that the petitioner prayed. Therefore, W.P.No.36807 of 2012 is dismissed as infructuous.

7. Insofar as W.P.No.38614 of 2015 is concerned, the Tribunal has adopted a pedantic approach in dismissing the Original Application. In matters of this nature where the counsel could not appear, the party should not get penalized. Therefore, W.P.No.38614 of 2015 is allowed. The order of the Tribunal in M.A.No.615 of 2017 is set aside and the Original Application is restored. The Tribunal may now deal with the Original Application and dispose it of in accordance with law on merits.

8. As a sequel, miscellaneous petitions pending in these writ petitions, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J.

M. GANGA RAO, J.

3rd January, 2018
Js.



HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M. GANGA RAO

W.P.NOs.36807 of 2012 & 38614 of 2015



3rd January, 2018

Js.