

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No. 1421 of 2016

JUDGMENT: (*Per VRS,J*)

Aggrieved by the action of the respondents in not recognizing the degree that the appellant obtained in Agriculture for the purpose of promotion to the post of Agricultural Officer, the appellant filed a writ petition. The main prayer in the writ petition was to set aside an order passed by the respondents not to recognize the degree obtained by the appellant, on the sole ground that such a degree was not recognized by the Indian Council of Agricultural Research (ICAR). Pending the disposal of the writ petition, the appellant sought an interim direction to consider his case for promotion, on the basis of the very same degree certificate. Since the grant of an interim relief would tantamount to provisionally allowing the writ petition, even while keeping the writ petition pending, the learned single Judge refused to grant an interim order. Therefore, the appellant is before us by way of an intra-Court appeal.

2. Heard Mr. P. Amarendar, learned counsel for the appellant.

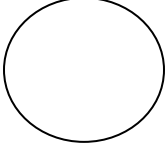
3. The question as to whether the degree obtained by the appellant is a valid degree or not is a question that is pending adjudication in the main writ petition. The ICAR has supported the case of the appellant. Therefore, he has an excellent case on merits. But, that is not the only ground, on which a prayer for interim relief could be considered. The grant of an interim prayer depends upon other parameters. Therefore, the rejection of the interim prayer at this stage by the learned single Judge cannot be found fault with. Hence, the Writ Appeal is dismissed. However, the respondents may file a counter to the main writ petition within four (4) weeks and the final hearing of the writ petition may be expedited.

Consequently, miscellaneous petitions if any pending in the writ appeal shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

26th December, 2016
cbs



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(dismissed)

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