

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.27548 of 2012

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ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“For the Reasons stated in the accompanying affidavit, the petitioner herein prays that the Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in continuing the 3rd respondent simultaneously in various cadres as (1) Special Public Prosecutor for PCR Cell, CID, Hyderabad, (2) Member of the Child Welfare Committee, Warangal and (3) Legal Counsel under the Domestic Violence Act, as illegal, unjust, improper and unconstitutional and consequently suspend the 3rd respondent from functioning in the three cadres i.e. (1) Special Public Prosecutor for PCR Cell, CID, Hyderabad, (2) Member of the Child Welfare Committee, Warangal and (3) Legal Council under the Domestic Violence Act, and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

When the matter is taken up today, it is submitted by the learned counsel for the third respondent that cause in the Writ Petition does not survive in view of the reason that the term of office of the third respondent as Member of the Child Welfare Committee, Warangal, came to an end and the third respondent submitted resignation for the

office of the Legal Council under the Domestic Violence Act in the year 2012 itself. It is further submitted that as on today, the third respondent is holding the post of Special Public Prosecutor for PCR Cell, CID, Hyderabad only.

On the contrary, it is submitted by the learned counsel for the petitioner that Rule 13 of the instructions issued by the State Government vide G.O.Ms.No.187, dated 06.12.2000 mandates that a Government Pleader or Assistant Government Pleader, Public Prosecutor or Additional Public Prosecutor before assuming charge as such shall relinquish his/her assignment, if any, such as Standing Counsel for any Statutory Corporation, Local authority or University or any other institution as well as Notary.

In view of the above developments and keeping in view the said instructions issued by the State Government, the present Writ Petition stands disposed of directing the authorities to adhere to the above instructions and the instructions issued from time to time.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition shall stand disposed of. No order as to costs.

A.V.SESHA SAI, J

8th FEBRUARY, 2016.

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