

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 26481 of 2016

ORDER: (Per VRS,J)

The State has come up with the above writ petition, challenging an order passed by the Andhra Pradesh Administrative Tribunal, directing the appointment of the 1st respondent herein to the post of Assistant Beat Officer in the vacancy created due to the non-joining of the selected candidate.

2. Heard the learned Government Pleader for Services (AP) appearing for the petitioners, and Mr. G. Venkateswarlu, learned counsel for the 1st respondent.

3. The issue raised in this writ petition is squarely covered by a decision rendered by a Bench of this Court on 13.03.2013 in W.P.No.5622 of 2013. Interestingly, the said decision also arose out of the very same selection. The relevant portion of the order of the Division Bench in the said writ petition reads as follows:

“Admittedly, Smt. V.Ramalakshmi was issued appointment orders for the posts of Forest Thanadar as well as Assistant Beat Officer. Admittedly, she joined the post of Assistant Beat Officer. When she has not joined the post of Forest Thanadar, the question of relinquishment does not arise.

Since she was given appointment orders for the posts of Assistant Beat Officer and Forest Thanadar and when she has joined the post of Assistant Beat Officer, it cannot be treated as a case of non-joining of a selected candidate. Once a person is selected for two posts, it is obvious that she would join only the higher post and it is clear that the other post would be vacant. In such a situation i.e. when a candidate is selected for two posts, instead of issuing appointment order for two posts, the authorities should issue appointment order for the higher post, so that, the next meritorious candidate could be appointed in the next category post. It is to be seen that the respondent is the next meritorious candidate in the same selection process for the post of Forest Thanadar and the petitioners would have considered her case.”

4. The above decision has also been followed in yet another decision in W.P.No.24944 of 2013, dated 26.08.2013. Therefore, the order of the Tribunal calls for no interference. Hence, the Writ Petition is dismissed.

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

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

11th November, 2016
cbs



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