

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No. 1423 of 2016

JUDGMENT: (*Per VRS,J*)

This intra-Court appeal arises out of an interim stay granted by the learned single Judge, of an order of termination of the services of the 1st respondent herein.

2. Heard Mr. V. R. Reddy Kovvuri, learned counsel for the appellant, and Mr. M. N. Narasimha Reddy, learned counsel for the 1st respondent.

3. The 1st respondent herein was appointed as an Anganwadi Worker by an order, dated 13.11.2015. After one year, her services were terminated by an order, dated 30.11.2016, on the sole ground that she had not completed 21 years of age, as on the cut off date, namely, 01.07.2015. She filed a writ petition. The writ petition was admitted and an interim stay of the order of termination was granted.

4. Aggrieved by the grant of the interim stay in favour of the 1st respondent and contending that if the 1st respondent goes out, automatically, she will be appointed to the post, the appellant, who was the 6th respondent in the writ petition, has come up with the present appeal.

5. At the outset, the learned single Judge has given a reason for granting the interim stay of the order of termination. The order of termination was passed, after one year of the appointment of the 1st respondent.

6. The hope of the appellant that she will be automatically selected, once there is no stay of the order of termination of the services of the 1st respondent, does not appear to have a foundation. In the order impugned in the writ petition, there is no direction to appoint the appellant. Therefore, if the appellant succeeds in the writ appeal, the only thing, that could be achieved, perhaps, is to keep the 1st respondent, allegedly an ineligible candidate out of employment. Therefore, such a prayer cannot be entertained. Hence, the Writ Appeal is dismissed. 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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Writ Appeal No. 1423 of 2016
(dismissed)

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