

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI**

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Writ Petition Nos.30376 and 30505 of 2015 and 25011 of 2016

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COMMON ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

These writ petitions arise out of O.A.Nos.5283 and 5284 of 2015 and 1859 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. Significantly, final adjudication is yet to take place in the said OAs.

The issue for consideration in the OAs is with regard to recruitment to the posts of Agricultural Officers and Agricultural Extension Officers in the Agriculture Department of the State and Horticultural Officers in the Horticulture Department of the State. Petitioners/applicants are contract employees in these Departments. They claim that they are entitled to weightage marks in terms of the policy earlier being followed which is now sought to be given a go-by in the proposed recruitment. This is, in essence, the grievance in the O.As pending before the Tribunal.

Approach to this Court pending the O.As was occasioned by the refusal of the Tribunal to grant interim relief. By order dated 10.09.2015 passed in O.A.Nos. 5283 and 5284 of 2015, the Tribunal directed that any appointments made pending the disposal of the O.As pursuant to the notification issued for the posts of Horticultural Officers and Agricultural Officers would be subject to the result of the O.As.

In W.P.Nos.30376 and 30505 of 2015 arising out of O.A.Nos.5283 and 5284 of 2015, this Court passed the following interim order on 22.09.2015.

The Public Service Commission intends to conduct a written test followed by an oral interview test. We are not interested in interdicting the schedule for the written test and create confusion amongst the rank and file. Instead we will permit the Public Service Commission to go ahead and conduct the written test and to evaluate the answer scripts and keep the marks memoranda ready with them in a sealed cover without publishing the same. But, however, the other procedure to be followed thereafter shall not be carried out until further orders are passed.

It is stated that while matters stood thus, the authorities issued Notification No.19/2015 dated 30.12.2015 proposing to fill

up some more vacancies in the subject posts. At that stage, M.A.No.147 of 2016 was filed in O.A.No.5283 of 2015 before the Tribunal and interim orders were granted on 01.03.2016 in line with the interim order dated 22.09.2015 granted by this Court in W.P.Nos.30376 and 30505 of 2015.

Thereafter, it appears that the authorities once again issued Notification No.04/2016 on 30.04.2016 proposing to fill up thousand vacancies in the subject posts. Aggrieved by this Notification, O.A.No.1859 of 2016 was filed by persons similarly situated to the applicants in O.A.Nos.5283 and 5284 of 2015 and some of the applicants therein. However, by order dated 14.07.2016, the Tribunal refused to grant interim relief despite being informed of the orders passed by this Court which were followed by the Tribunal in M.A.No.147 of 2016 in O.A.No.5283 of 2015. The Tribunal chose to enter into the merits of the matter notwithstanding the pendency of these writ petitions and held against the applicants in O.A.No.1859 of 2016, by directing that any appointments made pursuant to the recruitment taken up under Notification No.4/2016 dated 30.04.2016 would be subject to further orders passed in the O.A. Aggrieved by this order, W.P.No.25011 of 2016 was filed before this Court.

As matters stand, the Tribunal is yet to finally adjudicate the issues arising for consideration in the pending O.As. At this stage, it is wholly premature for this Court to go into the merits of the matter and resolve such issues. In the light of the law laid down by the Supreme Court in **L. Chandra Kumar v. Union of India**^[1], it would be appropriate and proper to direct the Tribunal to adjudicate these issues in the first instance.

We are however of the considered opinion that as the interim order passed by this Court has been in operation since 22.09.2015 and the subsequent Notification dated 30.12.2015 was also not given effect to owing to the order dated 01.03.2016 passed in M.A.No.147 of 2016 in O.A.No.5283 of 2015, no further steps should be taken for finalization of the selections pursuant to the last Notification dated 30.04.2016 also. However, the authorities would be at liberty to proceed with the written test pursuant to the said notification and also evaluation of the answer scripts but they shall keep the marks secured by the candidates in a sealed cover without publishing the same. Other procedures that need to be followed thereafter shall also be stayed till the

disposal of the O.As.

Sri J. Sudheer, learned counsel for the petitioners in these writ petitions, states that O.A.No.5283 of 2015 was taken for hearing by the Tribunal and is presently part-heard. If that be so, there is no reason as to why these writ petitions should be kept pending any longer. It would suffice in the interests of justice if the Tribunal takes up all the three pending O.As viz., O.A.Nos.5283 and 5284 of 2015 and 1859 of 2016 and dispose of the same on merits expeditiously.

We accordingly dispose of these writ petitions directing that the interim order dated 22.09.2015 passed in W.P.Nos.30376 and 30505 of 2015, which has been extended to W.P.No.20511 of 2016 by way of this order, shall remain in operation till the disposal of the O.As by the Tribunal. We further request the Tribunal to take up these three O.As on an out of turn basis and endeavour to dispose of the same on merits after hearing all parties concerned in accordance with law. This exercise shall be completed expeditiously and preferably within 3 months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. SEETHARAMA MURTI, J

11.08.2016
Vjl

[\[1\]](#) (1997) 3 SCC 261