

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

WRIT PETITION No.13885 OF 2016

ORDER:

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

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in appointing the 5th respondent as Senior Mate through online as illegal, improper, unjust, contrary to law and Cir.No.491/EGS(P)/2013 dated 25.06.2013 and consequently direct the respondents to continue me as Senior Mate as per the recommendation of the 4th respondent and pass such other and further orders in the interest of justice.”

2. When the matter is taken up, a preliminary objection with regard to the maintainability of the writ petition is taken by the learned standing counsel – Sri M.S.Ramachandra Murthy, stating that as against the orders impugned, appeal lies to the District Collector and without exhausting the said alternative remedy, straightaway, the present writ petition is filed before this Court.

3. In view of the availability of the alternative remedy of Appeal to the District Collector, this Court is not inclined to grant any relief under Article 226 of the Constitution of India. However, having regard to the nature of controversy, this Court is of the considered opinion that the ends of justice would be met, if the petitioner is permitted to avail alternative remedy of Appeal before the District Collector.

4. Accordingly, the Writ Petition is dismissed, however, with a liberty to the petitioner to avail the remedy of Appeal before the District Collector.

5. Miscellaneous petitions pending consideration, if any, in the Writ

Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

26.04.2016

SS