

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

WRIT PETITION No.10259 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 Proceedings Rc.No. 530/2015/HRt dt.1-3-2016 issued by the 3rd respondent wherein the 5th respondent is appointed as Seniormate of Jammu Gram Panchayat, Gurla Mandal, Vizianagaram District, as being illegal, arbitrary and violative of principles of natural justice and consequently direct the Respondent Nos. 2 to 4 herein to appoint the petitioner as Seniormate of Jammu Gram Panchayat, Gurla Mandal, Vizianagaram District, and to grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri P.V.V.Sathyanarayana, learned counsel, appearing for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development, appearing for the respondents 1 and Sri M.S.Rama Chandra Murthy, learned standing counsel, appearing for the respondents 2 to 4.

3. When the matter is called, a preliminary objection with regard to the maintainability of the writ petition is taken by the learned standing counsel stating that as per the Filed Assistant Human Resource Policy (FAHRP) of the respondents, against the orders impugned in the writ petition appeal lies to the District Collector and the said remedy can be availed by the petitioner herein and the present writ petition is not maintainable.

4. In view of the availability of the alternative remedy of appeal to

the District Collector, this Court is not inclined to entertain the present writ petition.

5. Accordingly, Writ Petition is dismissed, keeping it open for the petitioner herein to file appeal against the impugned order before the District Collector, within a period of one month from the date of receipt of a copy of this order and if any such appeal is filed within the time stipulated, the same be considered and appropriate orders be passed by the District Collector - 2nd respondent herein, in accordance with law, after giving notice and opportunity to the petitioner herein.

6. 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

06.04.2016
SS