

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Petition No. 8157 of 2017

Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard Sri K.G. Krishna Murthy, learned Senior Counsel appearing on behalf of the petitioner, learned Special Government Pleader appearing on behalf of the learned Advocate General for the State of Telangana and Sri B. Narayana Reddy, learned Assistant Solicitor General appearing for the Union of India, and, with their consent, the writ petition is disposed of at the stage of admission.

The petitioner herein claims to have undergone his entire schooling, graduation and Post-Graduation in Medicine in the present State of Telangana. It is his case that, since he was suffering from Cancer and was on leave during the period when options were called for, he was unable to exercise his option resulting in his being allotted to the State of Andhra Pradesh. The Kamalnathan Committee's Guidelines have also been subjected to challenge in this writ petition.

The proviso to Section 77(3) of the A.P. Reorganization Act, 2014 (for short 'the Act') confers power on the Central Government to review any of its orders issued under Section 77 of the Act. As the petitioner has the remedy of seeking review, of the final allocation, by way of an application to the Central Government, we see no reason to keep the writ petition pending on the file of this Court.

Sri K.G. Krishna Murthy, learned Senior Counsel appearing on behalf of the petitioner, would request that the petitioner be granted two weeks time to file a review application before the

Government of India requesting the latter to review its earlier decision to finally allocate the petitioner to the State of Andhra Pradesh.

We consider it appropriate, in such circumstances, to dispose of the writ petition permitting the petitioner to submit a review application before the Government of India within two weeks from today. On such an application being made, the 1st respondent shall consider it in accordance with law, pass orders thereupon, and communicate the same to the petitioner at the earliest, preferably within three months from the date of receipt of the petitioner's review application.

As the submission of the learned Advocate General that, for a period of three weeks, the respondents would not give effect to the relieving order was recorded by us during the course of hearing on 14.3.2017, we consider it appropriate to direct the respondents not to relieve the petitioner from his present post till a final decision is taken, on the petitioner's application for review, by the Government of India, and its decision is communicated to all the parties concerned, including the petitioner herein. The questions of law raised in this writ petition are left open to be agitated, if need be, in subsequent legal proceedings.

The writ petition stands disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

28th March, 2017
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Date: 28.3.2017

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