

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT. JUSTICE T.RAJANI**

Writ Appeal Nos.905 and 906 of 2017

COMMON JUDGMENT: (per Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)

Both these appeals are preferred against the common order of the Learned Single Judge in W.P.Nos.29564 and 28401 of 2016 dated 20.06.2017.

The services of the writ petitioners-appellants, as Assistant Government Pleader, came to an end on 20.10.2015. The Assistant Government Pleaders of other Courts were kept in-charge of the Courts where the appellants-writ petitioners were Assistant Government Pleaders earlier. On their invoking the jurisdiction of this Court, an interim order was passed by the Learned Single Judge directing that, till regular Government Pleaders were appointed, the appellants-writ petitioners should be allowed to continue as the Assistant Government Pleaders since there was nothing adverse against them. The Writ Petitions were eventually disposed of directing the State of Andhra Pradesh and the District Collector to make regular appointment of Special/Assistant Government Pleaders as expeditiously as possible, and the interim orders passed earlier were vacated. Aggrieved thereby, the present Writ Appeals.

Sri P.Sudhakar Reddy, Learned Counsel for the appellants-writ petitioners, would submit that appointment to the posts of Assistant Government Pleader should be made in a fair and transparent manner; as held by the Supreme Court, in **State of Punjab v. Brijeshwar Singh Chahal** (Judgment in Civil Appeal No.3194 of 2016 dated 30.03.2016), judicial review is available to ascertain whether the process of appointment of law officers is affected by any illegality, irregularity or perversity/irrationality; failure on the part of the

respondents to continue the appellants-writ petitioners as Assistant Government Pleaders suffers from such an infirmity; and, therefore, this Court's interference is necessary.

We must express our inability to agree. It is not in dispute that the term of office of the Assistant Government Pleader is three years which came to an end in the middle of the year 2015. On completion of their term of office, the appellants-writ petitioners no longer have a right to continue to hold the said office. Till regular selections are made, it is always open to the competent authority to make in-charge arrangements. All that has happened in these two cases are that the Assistant Government Pleaders of other Courts have been kept in-charge of the present Courts. The mere fact that the posts have not been regularly filled-up for some time, does not confer any right on any Assistant Government Pleader to contend that he should be continued even after expiry of his term of office of three years. The interim order passed by the **Learned** Single Judge merged with the final orders passed in the Writ Petitions; and, on the Writ Petitions being disposed of, the earlier interim orders no longer survive.

Both the Writ Appeals, as filed, are wholly misconceived and are, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. No costs.

RAMESH RANGANATHAN, ACJ

T.RAJANI, J

Date:10.07.2017.

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