

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.25719 of 2017

Date:02.8.2017

Between:

Vardhanapu Ravi Kumar,
S/o Sampath Rao

..... Petitioner

And:

A.P. Public Service Commission,
reptd by its Secretary,
Hyderabad and two others.

.....Respondents

Counsel for the petitioner: Mr. J.Sudheer

Counsel for respondent No.1: Mr. Srinivasa Baba

Standing Counsel for APPSC

The Court made the following:

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The order, dated 13.7.2017, in Original Application No.1197 of 2017 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad, by which the interim relief claimed by the petitioner for staying the main examinations for the posts of Group-II Services by respondent No.1 was denied, is assailed in this Writ Petition.

Mr. J.Sudheer, the learned counsel for the petitioner, submitted that his client has an excellent case on merits and that, if the main examinations are allowed to be held pending the said O.A., the cause in his case itself will be rendered infructuous.

The question as to whether the procedure followed by respondent No.1-Andhra Pradesh Public Service Commission is proper or not requires to be adjudicated in the said O.A. pending before the Tribunal.

Even assuming that the petitioner has made out a strong *prima facie* case for granting interim order, the Court must be satisfied with the other crucial elements of balance of convenience and irreparable injury and public interest. Even if the petitioner succeeds in his O.A., the relief claimed can be moulded by the Tribunal by directing respondent No.1 to hold a separate examination for the petitioner and create a

supernumerary post, if need be, in the event, he is selected in any particular category of posts. Mr. Srinivasa Baba, the learned Standing Counsel for respondent No.1, has submitted that there would be no difficulty to implement such relief if granted by the Tribunal.

In this view of the matter, we do not find any reason to interfere with the impugned order of the Tribunal. At this stage, Mr. J.Sudheer, the learned counsel for the petitioner, submitted that in the said O.A., the pleadings are completed and that, having regard to the importance of the case, it may be suggested to the Tribunal to dispose of the said O.A. at an early date. Mr. Srinivasa Baba, the learned Standing Counsel for respondent No.1, submitted that he has no objection for early disposal of the said O.A.

Having regard to these submissions of the learned counsel for both parties, early disposal of the afore-mentioned O.A. by the Tribunal is appreciated.

Subject to the above, the Writ Petition is dismissed, however, with the observation that in the event, the petitioner succeeds in the said O.A., the reliefs claimed by him would be moulded in the manner as observed hereinbefore.

As a sequel to dismissal of the Writ Petition, WPMP.Nos.31901 and 31902 of 2017 filed by the petitioner for interim relief are dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

02nd August 2017

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