

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 2704 of 2008

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of 2nd respondent in not allowing the petitioner to join the duty as Principal of Vivek Vardhini Day College, Jambagh, Hyderabad, as illegal.

2. On 12.02.2008, this Court passed interim orders in WPMP No.3478 of 2008 directing the 2nd respondent to allow the writ petitioner to join duty as Principal of Vivek Vardhini Day College, and permit him to discharge his duties until further orders.

3. The 2nd respondent filed WVMP No.596 of 2008 for vacating the interim orders. This Court passed the following order in the vacate petition on 02.02.2009.

"W.V.M.P. No.596 of 2008

This vacate stay petition has been filed by the second respondent in W.P.No.2704 of 2008 with a prayer to vacate the interim order dated 12.02.2008 passed in WPMP No.3478 of 2008.

The learned counsel appearing for the vacate stay petitioner submits that the writ petitioner attained the age of superannuation on 31.01.2009 and therefore continuance of the petitioner in service does not arise.

The order passed in WPMP No.3478 of 2008 reads as hereunder.

"There shall be interim direction to the second respondent to allow the petitioner to join duty as Principal of Vivek Vardhini Day College and permit him to discharge the duties as such, until further orders."

Since it is stated that the writ petitioner attained the age of superannuation, question of his continuing in service after 31.01.2009 does not arise.

Accordingly, the interim order granted on 12.02.2008 stands vacated and the WVMP is allowed."

4. Smt. B.V. Aparna Lakshmi, learned counsel representing Sri C.V. Bhaskar Reddy, learned counsel for the writ petitioner, submits that she could not get instructions from the party. The learned counsel requests that liberty may be granted to the writ petitioner to avail remedies available under law in case any cause survives.

5. Since this writ petition is pertaining to the year 2008, and the writ petitioner appears to be not diligent in prosecuting this case and in view of the order dated 02.02.2009 passed by this Court in WVMP No.596 of 2008 wherein it was stated that the writ petitioner has attained the age of superannuation and therefore the question of his continuing in service after 31.01.2009 does not arise, this Court is of the view that no cause of action survives in this writ petition, and the writ petition has become infructuous.

6. In the result, the writ petition is dismissed as infructuous. However, liberty is given to the writ petitioner to avail appropriate remedy, if any cause is surviving. No costs. Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

30th June, 2017

KSM

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