

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.A.No. 1219 OF 2017

DATED 29TH AUGUST, 2017

Between:

M.Sujatha ... Appellant

AND

G.Viswanadha Sarma and others Respondents

Counsel for the appellant : Sri P.V.A.Padmanabham

Counsel for respondent No. 1 : Sri Sai Gangadhar Chamarty

Counsel for respondent Nos. 2 & 3 : G.P. for Services (A.P.)

Counsel for respondent No. 4 : --

THE COURT MADE THE FOLLOWING

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

This Writ Appeal is filed by a third party to W.P.No. 18805 of 2015 feeling aggrieved by order dated 02-07-2015 passed in the said Writ Petition, filed by respondent No. 1, for declaring the action of the official respondents in not considering respondent No. 1 for absorption to the aided post of lecturer in Economics in respondent No. 4 – College with retrospective effect from 31-03-2004 as illegal and arbitrary with the consequential direction to the official respondents to absorb him to the said post with all consequential benefits.

2. Sri P.V.A.Padmanabham, learned counsel for the appellant, has submitted that the appellant has been working as Junior Lecturer in Economics on *ad hoc* basis in respondent No. 4 – College since 1996; that later in the year 1997, a regular selection process for filling up of aided vacancies as per G.O.Ms.No. 12 dated 10-01-1992 was undertaken by the management; that in the said selection, interview was conducted to the appellant on 11-01-1997, wherein she was selected by the interview committee and thereafter respondent No. 4 issued appointment order to her on 22-04-1997 and that she has been working as lecturer on *ad hoc* basis till now. He has further submitted that the appellant has approached this Court by way of W.P.No. 16587 of 2015 on 20-04-2015 seeking the relief of regularization; that the appellant has recently come to know that respondent No. 1, who is also working as lecturer in Economics in the same college, filed W.P.No. 18805 of 2015 seeking a similar relief and that by order dated 02-07-2015, this Court has allowed the said Writ Petition by following common order dated 18-02-2014 in W.P.Nos. 1863 of 2006 and 30623 of 2013. Learned counsel has further submitted that respondent No. 1 is much junior to the appellant and that he was not appointed by following the procedure under G.O.Ms.No. 12; that there are two aided vacancies of lecturer in

Economics, out of which one only is reserved for open category and that if respondent No. 1 is considered for absorption in the said vacancy, the appellant, being senior and having been selected as per G.O.Ms.No. 12, will be left out. Sri Sai Gangadhar Chamarty, learned counsel for respondent No. 1 has not disputed the fact that the appellant is working as lecturer in Economics in respondent No. 4 - College, in which respondent No. 1 is also working and that if respondent No. 1 is considered for absorption in the aided vacancy, the interests of the appellant will be affected.

3. After hearing learned counsel for both parties, we are of the opinion that since the appellant also filed a Writ Petition claiming the same relief as claimed by respondent No. 1 in W.P.No. 18805 of 2015 and there exists only one post of lecturer in Economics available for open category to which both parties belong, the appellant's interests would be vitally affected if the case of respondent No. 1 is considered in isolation without considering the case of the appellant also. Since there are competing claims by the appellant as well as respondent No. 1 for one post, we are of the opinion that interests of justice would be met if the Writ Petitions filed by both parties are heard and disposed of together so that the issue as to who between the two is entitled to absorption would be adjudicated by the learned single judge.

4. In the above view of the matter, the order of the learned single judge is set aside. W.P.No. 18805 of 2015 is restored to file. The Registry is directed to post W.P.Nos. 16587 and 18805 of 2015 together for being heard by a learned single judge having roster to hear this subject. The Writ Appeal is accordingly allowed.

5. As a sequel to disposal of the Writ Appeal, W.A.M.P.No. 2268 of 2017 shall stand closed as infructuous.

C.V.NAGARJUNA REDDY, J.

GUDISEVA SHYAM PRASAD, J.

Date: 29-08-2017.

JSK

