

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1675 OF 2017

ORDER:

The petitioners challenged the orders dated 07.01.2017, whereunder their services were removed.

2. The impugned orders were based on directions issued by this Court in Writ Petition No.21160 of 2013 and Batch. The procedure followed in conducting selections to the category of disabled persons was under challenge in the said batch of writ petitions. Petitioners are orthopedically handicapped. The persons, who challenged the selection, were visually and hearing impaired persons. This Court passed final orders on 11.08.2016, allowing the writ petition setting aside the final selections made and directed the respondents therein to re-draw the list as per 1% reservation provided to each category of the Handicap and issue orders of appointment to the eligible candidates after due verification of their eligibility and after issuing due notices to the already appointed candidates.

3. Primarily it is contended by learned counsel for the petitioners that even assuming that directions issued by this Court are binding on the petitioners, petitioners are entitled to know the manner in which the exercise is undertaken and the merit list re-drawn is in terms of the direction issued by this Court. Further, whether petitioners can be accommodated and exclusion is not valid are the matters, which can be agitated by the petitioners. Therefore, notice

ought to have been issued before removing them from services. It is further contended by the learned counsel for the petitioners that this Court also directed issuing of notices before taking action, whereas while in paragraph No.7 of the order impugned refers to issuance of notices, but in paragraph No.8 straight away order of removal from services is made.

4. Learned Standing Counsel does not dispute the fact that no prior notices were issued before passing the order impugned.

5. Learned counsel for the petitioners contended that even if the orders impugned are treated as show cause notices, still the petitioners cannot file any valid explanation in the absence of redrawn merit list supplied to them.

6. In the forenoon session, learned Standing Counsel was directed to secure copy of the merit list and supply the same to the learned counsel for the petitioners. Accordingly, a copy is secured and furnished to the learned counsel for the petitioners.

7. *Prima facie*, as seen from the order, though paragraph No.7 of the order indicates to issue notices, but in paragraph No.8 straight away order is passed removing petitioners. This Court while allowing the writ petitions, directed putting the affected parties on notice. There is merit in the contention of the learned counsel for the petitioners that petitioners are entitled to raise objection in the manner of preparation of merit list, even though they are bound by

the decision of this Court as long as the said decision is not reversed.

8. Having regard to the above opinion, the Writ Petition is disposed of directing the respondents to treat the proceedings dated 07.01.2017 as show cause notices. Since the copy of the revised merit list is already supplied to the learned counsel for the petitioners, without waiting for communication of this order, petitioners shall submit their explanations within ten (10) days from today. If such explanations are submitted, the same shall be considered duly taking note of directions issued by this Court in W.P.No.21160 of 2013 and Batch and by assigning due reasons pass appropriate orders as warranted by law. Till the orders are passed, petitioners shall not be dispensed with from their services.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date:19.01.2017
INL