

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI
WRIT APPEAL No.1551 of 2017

24.10.2017

Between:

The Executive Officer,
Tirumala Tirupati Devasthanams, Tirupati,
Chittoor District and another

..Appellants

and

B.Munikrishnaiah and others

..Respondents

Counsel for the appellants: Mr.A.K.Jayaprakash Rao

Counsel for respondent Nos.1 and 2: Mr.M.Srinivasa Rao for Mr.M.Surender Rao

Counsel for respondent Nos.3 and 4: Mr.A.Prabhakar Rao

Counsel for respondent No.5: Government Pleader for Endowments (A.P.)

The Court made the following:



JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ appeal arises out of order, dated 14.03.2017, in W.P.No.2280 of 2006, whereby the learned Single Judge has directed the appellants to consider the case of respondent No.1 to the post of Coordinator in the existing vacancy without insisting for post-graduate qualification, provided the draft service rules, which require such qualification, are not yet approved by the Government.

2. A perusal of the order under appeal would show that the aforesaid direction was issued based on the learned standing counsel for the appellants endorsing on the alternative submission of the learned counsel for respondent No.1, which was recorded in paragraph 5 of the order. In our opinion, an order passed on concession cannot be challenged in an appeal. If the learned standing counsel for the appellants has not made such concession before the learned Single Judge, the appellants are entitled to seek review of the order on that ground.

3. Subject to the liberty given to the appellants as above, the Writ Appeal is dismissed.

4. As a sequel to dismissal of the Writ Appeal, W.A.M.P.No.2872 of 2017 filed by the appellants for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

KONGARA VIJAYA LAKSHMI, J

