

3The Hon'ble Sri Justice V.RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

+ WRIT APPEAL No.2011 OF 2017

Date:29.12.2017

Between:

%K. Brahmani D/o.K. Nagamuneppa,
Age: 25 years Occ: Unemployee,
R/o.D.No.3-25, BC Colony, Thumucharla Village,
Kanaganapalli Mandal, Anantapur District.

...Appellant

Vs.

\$ The State of Andhra Pradesh,
Rep.by its Principal Secretary,
Energy Department, A.P. Secretariat,
Velagapudi, Amaravathi, Guntur District and others.

... Respondents

! Counsel for Appellant : M/s.K. Narsi Reddy

^ Counsel for Respondents : G.P. for Energy (AP)

< Gist :

> Head Note :

?Cases Referred : Nil



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT APPEAL No.2011 OF 2017

JUDGMENT: (per V. Ramasubramanian, J)

Aggrieved by the cancellation of her provisional selection for appointment to the post of Assistant Engineer, the appellant filed a writ petition and sought interim stay of filling up of the vacancy. The learned single Judge merely ordered notice without granting an *exparte* interim order. Therefore, the appellant has come up with the above writ appeal.

2. Heard Mr.K. Narsi Reddy, learned counsel for the appellant.

3. It is seen from the order impugned in the writ petition that the appellant was provisionally selected for appointment to the post of Assistant Engineer. The selection was under the quota reserved for physically disabled. But the selection was cancelled on the ground of percentage of disability. According to the appellant, the order of cancellation was totally contrary to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and that therefore, the appellant ought to have been granted an interim protection.

4. However, it is seen from the writ petition filed by the appellant that the main prayer made by her was for setting aside the order of cancellation of appointment. The Interim prayer made by her was to stay the appointment to the post to which she was selected for appointment. The petitioner also sought suspension of operation of the impugned proceedings.

5. If an interim suspension of the order of cancellation of provisional selection is granted, then the appellant ought to be allowed to join duty. If an interim order staying the appointment of any third party is granted, the post has to be kept vacant till the disposal of the writ petition.

6. Both are not feasible. Therefore, the only thing that could have been done by the learned Judge is to make it clear that any appointment made will be subject to the result of the writ petition and that a person selected for appointment will not be entitled to claim any equity, in the event of the appellant succeeding in the above writ petition.

7. Therefore, with the above observations that any appointment made during the pendency of the writ petition will be subject to the final orders in the writ petition and that a person so appointed will not be entitled to any equity, the writ appeal is dismissed.

8. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

December 29, 2017
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