

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT.JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION Nos.1488, 6619 AND 23352 OF 2018

COMMON ORDER: *(per Hon'ble Sri Justice Ramesh Ranganathan)*

The challenge, in this batch of writ petitions, is to the validity of G.O.Ms.No.176 dated 17.10.2017 issued by the State of Telangana, prescribing guidelines for appointment, by direct recruitment, to various categories of posts, numbering 521, in the Health Medical and Family Welfare Department of the State Government. The said G.O. provides for weightage of marks to be given to certain categories in appointment to these posts i.e. upto 20% marks for the earlier contract service rendered by the applicants, and upto 5 marks for each completed year after acquiring the prescribed qualifications.

The final hearing of this batch of writ petitions commenced on 07.03.2018. These cases were, thereafter, heard in part on 12.03.2018, 14.03.2018, 15.03.2018, 19.03.2018, 21.03.2018, 22.03.2018, 25.04.2018 and 30.04.2018. Hearing continued in June, 2018 after Summer Vacations, and after completion of arguments on behalf of the petitioners, Sri G.Vidya Sagar, learned Senior Counsel appearing on behalf of the unofficial respondents, commenced his submissions. All of a sudden, today, the petitioners, who have had the benefit of an interim order, seek permission to withdraw the writ petitions.

Sri Anand Kumar Kapoor, learned counsel for the petitioner in W.P. No.6619 of 2018, would submit that, as precious Court time was spent in hearing these matters, it would be wholly

inappropriate for this Court to permit the petitioners to abuse its process; there is more than what meet the eye in these cases; the petitioners have invoked the public law remedy under Article 226 of the constitution of India and, unlike in the private law realm, cannot claim, as of right, that they should be permitted to withdraw the writ petition; several other eligible candidates would be awaiting the result of these writ petitions, and may have therefore chosen not to approach this Court themselves; the jurisdiction which this Court exercises, under Article 226 of the Constitution, is in larger public interest; and since this Court has spent considerable time in hearing these matters, it is just and proper that hearing of these cases be complete, and judgment pronounced.

We find considerable force in the submission of Sri Anand Kumar Kapoor, learned counsel, that the petitioners have wasted precious Court time; and this request, to be permitted to withdraw the writ petition, is possibly with a view to avoid adjudication of the validity of G.O.Ms.No.176 dated 17.10.2017. It is also disconcerting that they should, after submissions on their behalf was completed and arguments are being put forth on behalf of the respondents, now seek permission to withdraw the writ petition. The petitioners endeavour to avoid adjudication notwithstanding, we are satisfied that proceeding with the hearing of the writ petitions, when persons, who invoked the jurisdiction of this Court, express their disinclination to pursue the writ petition or to be granted the relief sought for therein, would also not be appropriate. We must ever remain conscious of the need for the judicial branch of the State to maintain discipline and not adjudicate a lis, which

the litigant no longer desires to pursue. While we see no reason to deny the petitioners permission to withdraw the writ petitions, they cannot walk away scot-free, after having wasted precious Court time spent in the elaborate hearing of these cases.

We consider it appropriate, in such circumstances, to accord permission to the petitioners to withdraw the writ petitions, on condition that each of the petitioners herein shall pay exemplary costs of Rs.50,000/- (Rupees fifty thousand only), for having wasted precious Court time in hearing these cases over the past three months, to the High Court Legal Services Committee within four (4) weeks from today, failing which necessary proceedings shall be initiated for recovery of the said amounts from them in accordance with law.

As a sequel thereto, miscellaneous petitions, if any pending, shall stand dismissed.



RAMESH RANGANATHAN, J

KONGARA VIJAYA LAKSHMI, J

July 27, 2018

KTL