

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT APPEAL NO.128 OF 2018

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the interlocutory order passed by the learned Single Judge in WP.No.44400 of 2017 dated 04.01.2018.

The appellant herein had filed the Writ Petition seeking a mandamus to direct the respondents not to ratify the list of students submitted by the unofficial respondents-colleges, for taking B.Ed. examinations for the academic year 2017-19, by declaring the admission so made by the unofficial respondents as illegal and arbitrary.

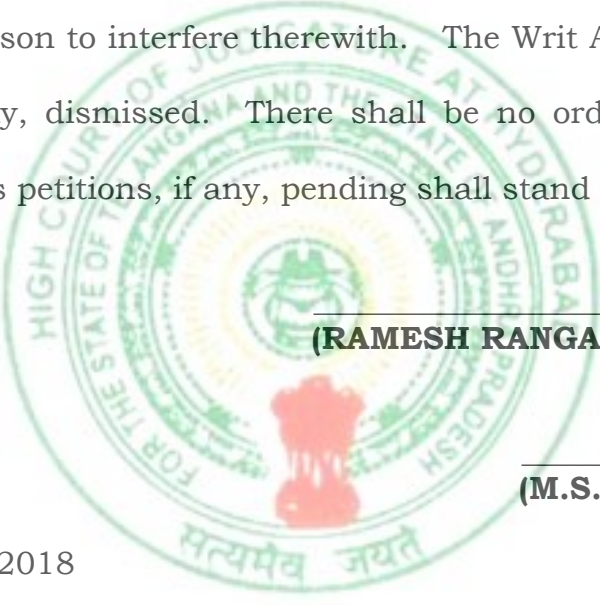
Initially, the undertaking given on behalf of the Government, before the Learned Single Judge, was that no final order would be passed on the admission list of students furnished by these unofficial respondents-colleges. Thereafter, by the order under appeal, the learned Single Judge observed that, since the Writ Petition was in the nature of a public interest litigation, the earlier order should be recalled; and, subject to the appellant herein (petitioner in the Writ Petition) confirming to the Public Interest Litigation Rules, the Writ Petition be posted accordingly.

While fairly stating that the learned Single Judge may not have been in error in recalling his earlier order on the ground that the Writ Petition was in the nature of a Public Interest Litigation, such Writ Petitions were not on his Board, and he ought not to hear the said Writ Petition, Sri A. Satya Prasad, learned Senior

Counsel appearing on behalf of the appellant, would request that WP.No.44400 of 2017 be listed before this Court.

It is only after the requirements of the Public Interest Litigation Rules are complied with, would the Writ Petition be treated as a Public Interest Litigation. Suffice it, therefore, to hold that, on the appellant-writ petitioner complying with the requirements of the Rules, and if the Writ Petition is otherwise found to be in order, it shall be numbered and listed before the Court.

As the order under appeal does not suffer from any infirmity, we see no reason to interfere therewith. The Writ Appeal fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.



(RAMESH RANGANATHAN, ACJ)

(M.S.K.JAISWAL, J)

31st January 2018
RRB