

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.A. No. 365 of 2018
&
W.P.No. 2853 of 2018

JUDGMENT:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ appeal is preferred against the interim order dated 01.02.2018 in I.A. No. 1 of 2018 in W.P.No. 2853 of 2018 passed by the learned Single Judge of this Court.

The learned counsel for the 1st respondent – writ petitioner submits that the 4th respondent, without giving notice to the 1st respondent, issued proceedings dated 25.01.2018 in Rc.No. 369/ B-1/ 2016, therefore, he filed W.P.No. 2853 of 2018 seeking to set aside the proceedings. He further submits that along with writ petition the 1st respondent filed I.A.No. 1 of 2018 in W.P.No. 2853 of 2018 seeking a direction to suspend the operation of the proceedings of the 4th respondent by allowing the 1st respondent to continue as Principal (FAC) in the 5th respondent – College, and the learned Single Judge, pending disposal of the writ petition, made the following order:

“The impugned order has been passed by the third respondent disturbing the seniority of the petitioner to his disadvantage without issuing any notice to the petitioner and given him an opportunity to contest the proceedings initiated by the

5th respondent. Therefore, there shall be interim direction as prayed for.”

The learned counsel for the appellant does not dispute the submission of the learned counsel for the 1st respondent and has agreed to setting aside of the proceedings Rc.No. 369/ B-1/ 2016, dated 25.01.2018 issued by the 4th respondent.

Having regard to the fact that no opportunity was given to the 1st respondent to put forth his grievance before issuance of the proceedings dated 25.01.2018 by the 4th respondent and in the light of the consensus made by the appellant, we hereby set aside the proceedings of the 4th respondent in Rc.No. 369/ B-1/ 2016, dated 25.01.2018 by directing the competent authority to issue fresh seniority list after affording an opportunity to all concerned. It is made clear that the competent authority shall decide the issue raised in the writ petition within a period of three weeks from the date of receipt of a copy of this order.

With the above observation, the writ appeal is disposed of. Consequently, W.P.No. 2853 of 2018 is allowed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

26.02.2018

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

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