

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No.17460 of 2017

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was preferred by the State of Andhra Pradesh and its authorities in the Education Department aggrieved by the order dated 28.12.2016 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.4297 of 2016. By the said order, the Tribunal took note of the earlier order dated 21.04.2014 passed by it in O.A.No.2940 of 2014 and opined that the subject matter was squarely covered by the said order. In consequence, Condition Nos.3, 6 and 7 in the appointment order dated 17.12.2015 of the first respondent/applicant were set aside and she was held entitled to notional seniority and notional benefit of increments on par with the candidates appointed under DSC 2008 who were less meritorious than her. She was also held entitled to monetary benefits from the date of her appointment.

This Court granted interim suspension of the order under challenge on 05.06.2017 based on the fact that the order dated 21.04.2014 in O.A.No.2940 of 2014 was subjected to challenge before this Court in W.P.No.19413 of 2015 and interim suspension was granted therein *vide* order dated 01.07.2015.

While so, we are now informed by Sri S.Srinivasa Babu, learned counsel for the first respondent/applicant, that W.P.No.19413 of 2015 arising out of the order dated 21.04.2014 passed by the Tribunal in O.A.No.2940 of 2014 was dismissed by a Division Bench of this Court *vide* order dated 03.10.2017. A copy of the said order is placed on record.

In the light of the fact that the State and its authorities failed in their challenge to the aforesaid order in O.A.No.2940 of 2014, they cannot maintain an independent challenge against the order passed by the Tribunal in the subject O.A. which was passed in terms of the earlier order in O.A.No.2940 of 2014.

Therefore, for reasons alike as were mentioned in the order dated 03.10.2017 passed by this Court in W.P.No.19413 of 2015 and in terms thereof, this writ petition is also dismissed.

Interim order dated 05.06.2017 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

18th April, 2018
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SANJAY KUMAR, J

N. BALAYOGI, J