

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.12343 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief/s:

‘.. to issue a writ, order or direction more particularly one in the nature of mandamus, directing that the Appeal No.16004/CE.A2/2011, filed by the 3rd respondent, challenging the order, dated 30.03.2017, passed by the 2nd respondent should not be heard by the 5th respondent, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.’

On the previous date of hearing, Sri D. Sudershan Reddy, learned senior counsel representing Sri P. Roy Reddy, learned counsel appearing for the petitioners, and Sri C.V.R. Rudra Prasad, learned counsel appearing for the 3rd respondent, in the presence of the learned Government Pleader for Higher Education (AP), were in agreement that if a panel of three names is suggested by the Government and one among them is directed by this Court to hear and dispose of the afore-stated appeal, the ends of justice would be met.

Pursuant to the said agreement arrived at before this Court, learned Government placed before this Court the names of the following three officers: (1) Smt. Poonam Malakondaiah, Principal Secretary for Medical & Health and Women Welfare Departments; (2) K. Praveen Kumar, IAS, Principal Secretary for Minority Welfare Department; and, (3) S.S. Ravat, IAS, Principal Secretary for Social Welfare & Tribal Welfare Departments.

Learned senior counsel appearing for the petitioners and the learned counsel appearing for the 3rd respondent stated that this Court may choose any one of the above officers for the desired purpose.

Having regard to the facts & submissions and without going into the merits of the allegations made in the affidavit filed in support of the writ petition, Sri S.S. Ravat, I.A.S., Principal Secretary for Social Welfare & Tribal Welfare Departments, is directed to consider and dispose of the afore-stated appeal of the 3rd respondent in strict accordance with the procedure established by law, however, after giving an opportunity of hearing to both the parties. Learned counsel for the 3rd respondent, drawing the attention of this Court to the earlier orders of this Court, requested for a time limit to be fixed. However, since the officer now chosen by this Court is an Officer of the rank of Principal Secretary, no time limit is fixed as this Court is hopeful that the said Officer would consider and dispose of the appeal as directed supra within a reasonable time from the date of receipt of a copy of this order and the entrustment of the appeal for disposal by the said officer. Since no opportunity is given to the respondents to meet the allegations in the affidavit filed in support of the writ petition and the writ petition is being disposed of by this order, the allegations in the writ petition shall not affect the interests of the respondents against whom such allegations are made.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

13.04.2018.
Vjl