

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.14808 OF 2018

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.741 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (*hereinafter*, 'the Tribunal'). She filed the said O.A. assailing the action of the State Level Police Recruitment Board in not considering her for the post of Stipendiary Cadet Trainee Police Constable. Aggrieved by the refusal of interim relief by the Tribunal, the matter was carried to this Court but the same stood confirmed. Aggrieved thereby, the petitioner approached the Supreme Court *vide* Civil Appeal No.19766 of 2017. The Supreme Court disposed of the said appeal by order dated 24.11.2017. Taking note of the fact that the O.A. filed by the petitioner was still pending before the Tribunal, the Supreme Court directed her to produce her non-creamy layer certificate before the Tribunal. The Supreme Court further directed the Tribunal to dispose of the O.A. expeditiously and, in any case, within three months from the date of production of a copy of the judgment, as the matter pertained to selection and appointment.

In the meanwhile, it appears that there was no representation for the petitioner when O.A.No.741 of 2017 and other similar matters were taken up for hearing by the Tribunal on 01.06.2017. The Tribunal accordingly dismissed the O.As. M.A.No.1191 of 2017 was preferred by the petitioner in O.A.No.741 of 2017 to set aside the order dated 01.06.2017 passed therein and to restore the case to the file. By common order dated 18.01.2018 passed in M.A.No.1191 of 2017 in O.A.No.741 of 2017 and other M.A.s filed in the similar O.A.s, the Tribunal observed as under:

‘Post these matters in usual course, as the Supreme Court orders were already complied with on 01-06-2017 itself.’

No doubt, by the date of passing of the order by the Supreme Court, the Tribunal had already dismissed the subject O.A. for default. However, this Court cannot lose sight of the fact that the Supreme Court specifically directed the Tribunal to dispose of the O.A. within a time frame as it was a matter of selection and appointment. This direction clearly indicated that the Tribunal was expected to dispose of the case on merits. In that view of the matter, the Tribunal ought not to have taken advantage of the dismissal of the O.A. for default on 01.06.2017 and summed up that the Supreme Court's order was already complied with. The restoration petition filed by the petitioner in M.A.No.1191 of 2017 in O.A.No.741 of 2017 therefore deserved consideration on merits immediately. *Ergo*, the Tribunal ought not to have posted the said M.A. along with connected M.A.s in the usual course.

The writ petition is accordingly disposed of directing the Tribunal to forthwith take up M.A.No.1191 of 2017 in O.A.No.741 of 2017 and consider the same on its own merits and in accordance with law. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

25th APRIL, 2018

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