

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7060 of 2002

ORDER

This writ petition is filed seeking a writ of certiorari to quash the memorandum dated 02.02.2002 issued by the first respondent canceling the appointment of petitioner dated 19.05.2000 and consequently to appoint her as Draughtsman Civil in pursuance of the said appointment proceedings.

2. Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

3. When the matter is taken up for hearing, learned counsel for the petitioner submits that the petitioner was appointed as Draughtsman Civil on 19.05.2000 under scheduled caste quota and thereafter, on the direction of the second respondent to produce the latest community certificate, she applied for the same and the third respondent issued a certificate that she belongs to B.C.'C" community since she got converted as Christian, based on which, the second respondent issued proceedings dated 08.06.2000 cancelling her appointment and challenging the same, she filed W.P.No.12406 of 2000, which was disposed of on 28.09.2001 quashing the proceedings of the second respondent on the ground that no notice was issued her. He further submits that after issuing notice, the petitioner gave explanation, but the first respondent issued memorandum on 02.02.2002 again cancelling her appointment. He further submits that though the Government had earlier issued G.O.Ms.No.43 dated 08.03.1990 stating that a person

belonging to scheduled case and converted to Christianity will lose the status of scheduled caste, the same was withdrawn by the State Government vide G.O.Ms.No.94 dated 06.07.1992, by virtue of which, the appointment of the petitioner has to be upheld and therefore, the action of the respondents in canceling her appointment is illegal and arbitrary.

4. This Court, having considered the said submissions, is of the considered view that since the petitioner's appointment was cancelled way back in 2002 and no interim order was passed in her favour and admittedly, she was out of the employment from the past 17 years, this Court cannot adjudicate the matter on merits at this point of time and therefore, the cause in the writ petition does not survive for adjudication and there are no merits in the writ petition.

5. Hence, the Writ Petition is dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

ABHINAND KUMAR SHAVILI, J

27th November, 2018

sj