

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.16326 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, the petitioners pray that the Hon’ble Court may please to issue a writ, order or direction more particularly one in the nature of mandamus, declaring the order, dt.19.04.2018 in Memo No. 16004/CE.A2/2011, passed by the 5th respondent, on behalf of the 1st respondent, as illegal, arbitrary, without jurisdiction, violative of the principles of natural justice, mala fide, contrary to the order, dt.13.04.2018 in W.P.No.12343 of 2018 and violative of Articles 14 and 19(1)(g) of the Constitution of India and consequently set-aside the same and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *D.Sudarshan Reddy*, learned Senior Counsel representing Sri *P.Roy Reddy*, learned counsel appearing for the petitioners, and of the learned Government Pleader for Higher Education (A.P.), appearing for the respondents 1, 2, 4 & 5, and of Sri *C.V.Rudra Prasad*, learned counsel appearing for the 3rd respondent. I have perused the material record.

3. Learned Senior counsel appearing for the petitioners and the learned counsel appearing for the 3rd respondent as well as the learned Government Pleader for Higher Education submit that the order of this Court, dated 13.04.2018, in W.P.No.12343 of 2018, holds good and it is binding on the parties and that in view of the said orders, the order in the Memo No.16004/CE.A2/2011, dated 19.04.2018, ought not to have been passed by the 5th respondent

and the said order ought to have been passed by Sri S.S.Ravat, IAS, Principal Secretary for Social Welfare & Tribal Welfare Departments, as directed in the afore-stated orders of this Court.

4. Learned Government Pleader for Higher Education submits that neither the learned counsel for the petitioners nor the learned counsel for the 3rd respondent herein brought the orders of this Court to the notice of the 5th respondent, who passed the impugned order and that, therefore, the order has come to be passed.

5. Learned counsel, Sri *C.V.Rudra Prasad*, appearing for the 3rd respondent, would submit that the order of this Court directing Sri S.S.Ravat, IAS, Principal Secretary for Social Welfare & Tribal Welfare Departments, to dispose of the afore-stated appeal of the 3rd respondent was not communicated to the 5th respondent on that day i.e., 17.04.2018, on which date the appeal stood posted for hearing. According to the submissions, neither of the parties appeared before the learned Officer/5th respondent on that day, when he disposed of the appeal pending before him by the impugned orders.

6. In view of the said submissions, the order impugned is liable to be set aside without going into the merits of the matter, as the said order impugned has come to be passed obviously in ignorance of the orders, dated 13.04.2018, of this Court in W.P.No.12343 of 2018.

7. Accordingly, this Writ Petition is allowed and the impugned order is set aside and it is directed that the appeal of the 3rd respondent shall be heard and disposed of, as directed in the

orders, dated 13.04.2018, in W.P.No.12343 of 2018, of this Court.

There shall be no order as to costs.

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

M.SEETHARAMA MURTI, J

Date: 30th April, 2018

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Date: 30th April, 2018

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