

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.1588 of 2017

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 Writ of Mandamus declaring the action of the respondents no.1 to 3 in conferring recruitment power to the 4th respondent and the 4th respondent issuing impugned proceedings Rc.No.C1/9720/2016 dated 1-12-2016 and affixing the same in the Notice board without publishing the same in news papers and further selecting the candidates to the post of Trainee Khalasis is arbitrary, without jurisdiction and is violative of Articles 14, 19 and 21 of the Constitution of India and consequently set aside the same and pass such other order or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. On 18.01.2017, this Court, while admitting the writ petition, granted interim stay as prayed for in WPMP.No.1820 of 2017.

3. The respondent no.4 filed vacate petition. The successful selected candidates having sought their impleadment also filed vacate petitions. They are permitted to be impleaded as respondents 5 & 6 and 7 to 9 & 10 as per orders, dated 09.11.2017 and 03.01.2018 respectively passed in WPMP.Nos.3594 and 3595 of 2017.

4. Having obtained an interim order, the petitioners failed to get ready for disposal of either the vacate stay petitions or the writ petition. On 12.07.2018, there was no representation for the writ petitioners. Hence, the matter was directed to be posted on 13.07.2018 under the caption 'for dismissal'. Yet again there was no representation for the writ petitioners. Hence, the matter was directed to be posted today under the caption 'for orders'.

5. No submissions are made on behalf of the writ petitioners.

6. I have heard the submissions of Sri K. Sarvabhouna Rao, learned standing counsel, representing the respondents 1 & 2, of the learned Government Pleader for Services representing the respondents 3 & 4, of Sri K.S.Murthy, learned counsel appearing for the impleaded respondents 5 & 6; and of Sri Ch.Satish Kumar, learned counsel appearing for the impleaded respondents 7 to 10.

7. I have perused the material record.

8. Learned counsel for the contesting respondents and the learned Government Pleader submitted that the writ petitioners herein participated in the selection process and appeared for written test & interview and that eventually they were not selected and that the list of selected candidates was published in the RDO's Office at Khammam and Tahasildar's Office at Shgareni, on 30.12.2016, and that after their non selection to the post, the writ petitioners filed this writ petition with a *mala fide* intention. It is also submitted that when once the writ petitioners participated in the selection process, they are not entitled to challenge the selection process in view of the principle enshrined in the doctrine of estoppel. In support of the proposition that a candidate who participates in the selection process and is found not fit for appointment is estopped from challenging the process of selection, reliance was placed upon the decision in D. Sarojakumari v. R. Helen Thilakom and others [(2017) 9 SCC 478].

9. The above submissions are made only to highlight the submission that the writ petitioners are not going to get ready in the matter as they know that their writ petition is liable for dismissal and that their intention is only to delay the process and the appointments of the selected candidates.

10. Be that as it may. Since the writ petitioners failed to appear and there is no representation for them despite listing the writ petition under the caption 'for dismissal', this Court is constrained to dismiss the writ petition for default.

11. Accordingly, the Writ Petition is dismissed for default. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

17.07.2018

Note: Issue CC by 18.07.2018.

[B/o]

Vjl

