

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI**

Writ Petition No.25447 of 2018

ORDER: {Per Justice Ramesh Ranganathan}

This writ petition is filed questioning the proceedings of the learned Principal District Judge, Kurnool dated 13.06.2018 whereby the petitioner was removed from service on the ground that he had obtained employment as a member of the scheduled tribes, and since the competent authority had held that he had produced a false caste certificate and had secured employment in the scheduled tribes quota to which he was ineligible, he could not be continued in service.

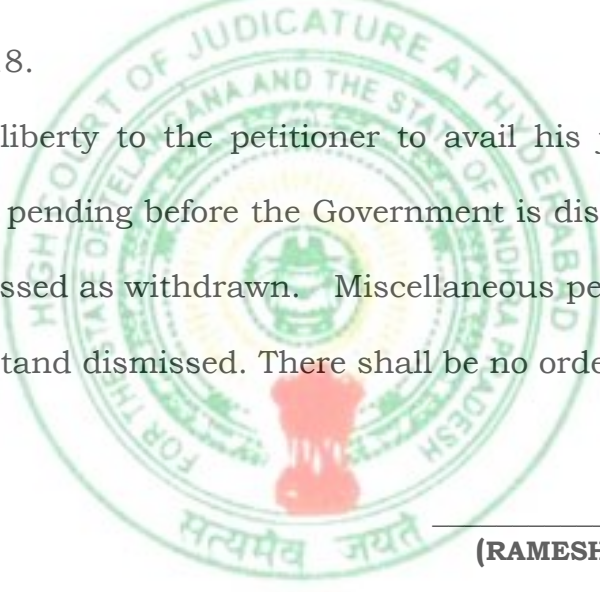
It is submitted before us by the Learned Counsel for the petitioners, that, aggrieved by the order passed by the competent authority, the petitioner has preferred an appeal to the Government which is still pending consideration. The fact, however, remains that the order of the competent authority, declaring that the petitioner does not belong to the scheduled tribes, is still in force; and, consequently, the learned Principal District Judge had no alternative but to remove him from service on this ground. It needs no reiteration that, in case the petitioner succeeds in the appeal and the order passed by the competent authority, declaring that the petitioner does not belong to the scheduled tribes is set aside, the validity of the disciplinary proceedings, initiated against him on this ground, may then necessitate examination.

Sri A.Rama Subbaiah, learned counsel for the petitioner, seeks permission to withdraw the Writ Petition, with liberty to file a writ petition afresh after the pending appeal is disposed of by the Government. He also requests that a time frame be fixed for the Appellate Authority to dispose of the appeal filed by the petitioner.

In so far as the fixation of a time frame, for disposal of the appeal, is concerned, a Division Bench of this Court, by its order in W.P.No.4196 of 2018 dated 14.02.2018, while disposing of the writ petition, directed the 1st respondent therein either to pass orders in the application for stay within a period of four weeks or to dispose of the appeal itself within a further period of three months.

Sri A.Rama Subbaiah, learned counsel for the petitioner, submits that the order of the Division Bench of this Court in W.P.No.4196 of 2018 dated 14.02.2018 has not been complied with. If that be so, it is open to the petitioner to proceed against the respondents for their having violated the order of the Division Bench in W.P.No.4196 of 2018 dated 14.02.2018.

Granting liberty to the petitioner to avail his judicial remedies, after the appeal pending before the Government is disposed of, the Writ Petition is dismissed as withdrawn. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.



(RAMESH RANGANATHAN, J)

(N.BALAYOGI, J)

23rd July, 2018
JSU

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Date: 23.07.2018