

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
and
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.A.No.1034 of 2018

ORDER:- (Per the Hon'ble Sri Justice Suresh Kumar Kait)

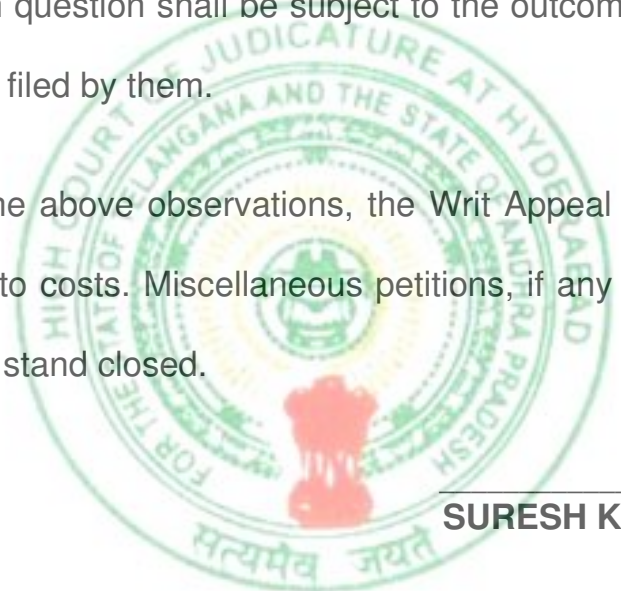
Vide the present appeal, the appellants have challenged the order dated 05.06.2018 passed in W.P.No.11914 of 2018, whereby the petition filed under Article 226 of the Constitution of India filed by them has been dismissed.

2. Learned counsel appearing on behalf of the appellants submits that though the appellants are eligible for appointment to the post of Veterinary Assistant in Category (4) of Class-A in the Animal Husbandry Department pursuant to the Notification No.30 of 2017 dated 02.06.2017 as per G.O.Ms.No.282 General Administration (Services-A), dated 20.09.2003, the learned Single Judge has not given any finding as to why said G.O., is not applicable to their case. He further submits that the appellants are having more qualification than prescribed in the notification and therefore, they are eligible for the post in question in terms of said G.O.

3. A perusal of the impugned order, it is established that though it is mentioned of G.O.Ms.No.282 dated 20.09.2003 in the first paragraph of the order, but there is no finding with regard to the said G.O. Therefore, it is to be decided whether the said G.O. has any applicability in the case of the appellants.

4. Since the applicability of G.O.Ms.No.282 dated 20.09.2003 in the case of the appellants has not been considered by the learned Single Judge of this Court, we hereby grant liberty to the appellants to file a review of order dated 05.06.2018 in W.P.No.11914 of 2018, within 15 days from the date of receipt of a copy of the order, and on filing such review, the learned Single Judge of this Court is requested to give his opinion as to why G.O.Ms.No.282 dated 20.09.2003 is not applicable to the case of the appellants. We hereby make it clear that the fate of the appellants for appointment to the post in question shall be subject to the outcome of the review petition to be filed by them.

5. With the above observations, the Writ Appeal is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this appeal, shall stand closed.



SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

2nd August, 2018

sj