

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40390 OF 2014

ORDER:

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

“... to issue any appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned Proc. C3/4580/2012-3, dt. 14.01.2014 including the appended notification of even number and date issued by the District Collector are invalid and unconstitutional, arbitrary, opposed to the principles of natural justice, void abinitio besides violative of Articles 14, 16 and 21 of the Constitution of India and also contrary to the judgment in W.P.No.27351/2012 dt.20.09.2013 as well as Rev.W.P.M.P.No.45648/2013 dt.27.12.2013 and consequently hold that the Agency Area Certificate possessed by the petitioner is perfectly valid and further declare that the petitioner is entitled to be appointed to the post to which he was selected i.e., Forest Beat Officer/Assistant Beat Officer as the case may be pursuant to the Notification No.44410/2009, dt.26.03.2012 with all consequential benefits and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

2. I have heard the submissions of *Sri Venkateshwar Varanasi*, learned counsel appearing for the petitioner, the learned Government Pleader for Forests (TG) appearing for respondent Nos.1 and 3 and of the learned Government Pleader for Social Welfare (TG) appearing for respondent No.4. I have perused the material record.

3. At the hearing, learned counsel for the petitioner, learned Government Pleader for Home and the learned Government Pleader for Social Welfare are in agreement that the issue involved in this Writ Petition is squarely covered by the order of this Court in W.P.No.22951 of 2014, dated 27.04.2017.

4. An order of this Court, dated 06.03.2018, passed in W.P.No.22931 of 2014 and batch, wherein this Court followed the aforestated order in the above said Writ Petition, is placed on record.

5. The operative portion of the order, dated 27.04.2017, in W.P.No.22951 of 2014 reads as under:

“In the absence of any guidelines being prescribed with regard to the documents to be submitted showing proof of their residence in the agency area since 26th January, 1950, and having regard to the orders passed by the Division Bench of this Court and also in the review petition, the writ petition is allowed setting aside the order dated 14-01-2014 in Rc.No.C3/4580/2012-3 and canceling the resultant notification. Further, the appointing authority shall consider the case of the petitioner, by treating him to be from agency area and finalize the matter within a period of four to six weeks from the date of receipt of a copy of this order. In case, the petitioner is issued with orders of appointment, this appointment shall date back from the date of which others were appointed, for the purpose of seniority, but not for the emoluments. No costs.”

6. Having regard to the submissions and for the reasons alike as were mentioned in the aforestated orders in the above said Writ Petitions, this Writ Petition is disposed of on the same terms, which were mentioned in the said orders.

7. The Registry is directed to annex a copy of the order, dated 27.04.2017, in W.P.No.22951 of 2014 to this order.

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

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

April 04, 2018.
MD

