

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO**

WRIT APPEAL No.1464 OF 2018

JUDGMENT: (Per Hon'ble Sri Justice Sanjay Kumar)

The Andhra Pradesh Power Generation Corporation Ltd. (APGENCO) and its Chief General Manager are in appeal aggrieved by the order dated 26.09.2018 passed by a learned Judge of this Court in W.P.No.28979 of 2018. By the said order, the learned Judge directed the appellants herein, the respondents in the said Writ Petition, to conduct the written examination as stated in paragraph 15 of the counter affidavit during the 4th week of October, 2018, for all streams. The cause for grievance is that the appellants did not state in paragraph 15 of the counter affidavit that they would conduct the written examination for all streams.

Smt.K.Aruna, learned counsel for the appellants, would point out that in paragraph 15 of the counter affidavit filed by the Chief General Manager of the APGENCO, it was stated that if this Court permits it, the written test for filling up the posts of Sub-Engineer in Electrical, Electronics and Civil streams could be conducted during the 4th week of October, 2018, keeping aside the Mechanical stream. She would inform this Court that in so far as Mechanical stream is concerned, writ petitions were filed by ineligible candidates wherein interim orders were passed directing that they should also be permitted to appear for the written examination. Learned counsel would further state that vacate stay petitions have been filed in all such writ petitions, but the same are yet to be taken up and in the meanwhile if such ineligible candidates are also permitted to write the examination, it may give rise to complications in future. She would however concede that in those writ petitions, though the petitioners therein were permitted

to appear for the written examination, this Court directed that the results should not be announced.

That being so, we are at a loss to understand as to what inconvenience would be caused if the written examination is conducted at this stage for all streams. Stalling the entire process of selection, merely because ineligible candidates would also participate therein, may not be in the interest of organization itself. As vacate stay petitions are stated to have been filed in the pending writ petitions, it is for the APGENCO to demonstrate before this Court that the petitioners therein are ineligible. The mere fact that they would also write the examination cannot be a ground not to hold the examination altogether. The direction of the learned Judge to conduct the written examination for all the streams therefore does not, in our opinion, cause any irreversible loss to the organization.

Smt.K.Aruna, learned counsel, would state on instructions that as the date mentioned in paragraph 15 of the counter affidavit and duly recorded by the learned Judge in the order under appeal has already passed, a month's time may be given to the appellants to conduct the written examination for all streams.

The Writ Appeal is accordingly disposed of directing the appellants to take steps for conducting the written examination for all the streams by the 2nd week of December, 2018.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

6th November, 2018
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