

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

WRIT PETITION No.40011 OF 2018

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The prayer of the petitioner in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus action of Respondents not considering the petitioner case for the post of Junior Assistance from Record Assistant from last 30 years as per the G.O.Ms.No.135 of General Administration (SER-B) Department dated 12.05.2014 and The Apprentice Act 1961 declaring the same as illegal, arbitrary and against to the Principles of Nature of Justice and against to Art 14,19(g) and 21 of the Constitution of India and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

It is an admitted fact that the petitioner earlier filed O.A.No.7605 of 2007 before the Andhra Pradesh Administrative Tribunal, Hyderabad, aggrieved by the action of the authorities in not considering his case for promotion to the post of Junior Assistant. The said O.A. was disposed of by order dated 24.09.2010 directing the authorities to examine the case of the petitioner by taking into consideration his representation dated 19.01.2007 and if he was found to be qualified and eligible for promotion to the post of Junior Assistant, to pass appropriate orders as per rules.

Sri Janardhana Reddy Ponaka, learned counsel for the petitioner, would state that the representation dated 19.01.2007 was disposed of holding against the petitioner.

If that be so, the petitioner would have a fresh cause of action whereby he would have to once again invoke the jurisdiction of the Tribunal and he cannot approach this Court directly in the light of the law laid down by the Supreme Court in L.CHANDRA KUMAR V/ s. UNION OF INDIA<sup>1</sup>.

The writ petition is accordingly dismissed on this short ground leaving it open to the petitioner to avail appropriate remedies in accordance with law.

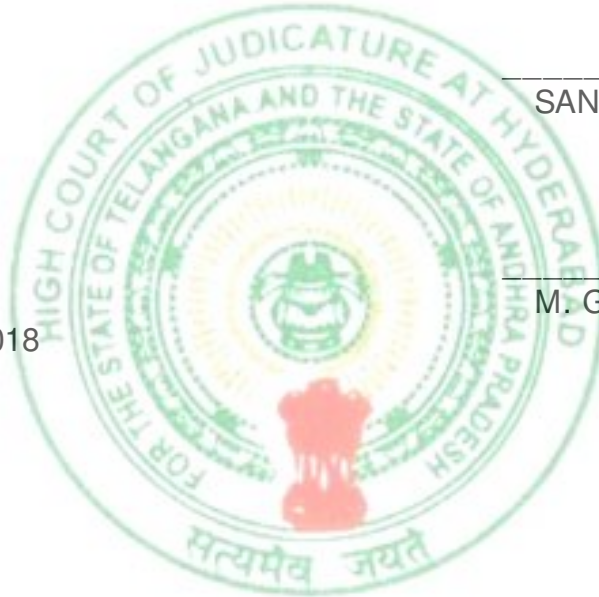
Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

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SANJAY KUMAR, J

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M. GANGA RAO, J

Date: 06.11.2018  
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<sup>1</sup> (1997) 3 SCC 261