

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23718 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking a Writ of Mandamus declaring the action of respondent Nos.1 and 2 in not appointing the petitioner in any suitable post under Land Losers' Quota in terms of G.O.Ms.No.98, Irrigation (Proj. Wing) Department, dated 15.04.1986, as arbitrary, illegal, unconstitutional being violative of Articles 14, 16 and 21 of the Constitution of India and sought a consequential direction to direct respondent Nos.1 and 2 to consider the case of the petitioner for appointment in any suitable post by taking into account the proceedings of respondent No.4 bearing Lr.No.JS(P)/DS(E)/AS(E)/PO.C/87/2016, dated 06.10.2016, with effect from the due date with all consequential benefits.

2. Heard Sri S. Gopal Rao, learned counsel appearing for the petitioner, learned Government Pleader for Services –I appearing for respondent No.1 and Ms. A Deepthi, learned Standing Counsel appearing for respondent Nos.2 and 3.

3. It has been contended by the petitioner that the lands belonging to her were acquired by the respondents for construction of Nagarjunasagar Tail Pond Dam in the year 2009. As per G.O.Ms.No.98, dated 15.04.1986, the case of the petitioner has to be considered for appointment in any suitable post in terms of the policy of the State Government. Therefore, the petitioner made representations to respondent No.1 – District Collector to recommend her case at the District Level Committee so as to

enable her to get employment under Land Losers Quota. Challenging the inaction of the respondents in considering her representations, the petitioner has earlier filed W.P.No.2960 of 2015 before this Court and this Court was pleased to dispose of the said Writ Petition vide order, dated 19.02.2015, directing respondent No.1-District Collector to consider the representations of the petitioner and examine them in terms of G.O.Ms.No.98, dated 15.04.1986. The grievance of the petitioner is that the lands belonging to her were acquired by the respondents' way-back in the year 2009, but her case has not been considered yet for appointment in terms of the policy of the State Government. Hence, the present Writ Petition is filed.

4. Learned counsel for the petitioner had contended that during pendency of the present Writ Petition, respondent No.2 has passed a speaking order on 16.11.2017 to the effect that at present, there are no vacancies and as and when vacancies arise, the case of the petitioner would be considered along with other eligible candidates, as per the seniority of the land losers. Learned counsel also contended that still there are vacancies and the case of the petitioner can be considered. Therefore, appropriate orders be passed in the present Writ Petition directing the respondents to consider the case of the petitioner for appointment in any suitable post under Land Losers Quota in tune with the policy of the State Government within a reasonable period of time.

5. The learned Standing Counsel for respondent Nos.2 and 3 contended that the petitioner is eligible for consideration under Land Losers Quota, but there are no vacancies. As and when

vacancies arise, the case of the petitioner would be considered. The learned Standing Counsel also contended that respondents passed a speaking order on 16.11.2017 itself making it clear that the case of the petitioner would be considered as and when vacancies arise.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that this Writ Petition can be disposed of directing the respondents to consider the case of the petitioner under Land Losers Quota in terms of the policy of the State Government and in accordance with law, as and when vacancies arise.

7. With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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

ABHINAND KUMAR SHAVILI, J

December 19, 2019.
MD