

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.9076 of 2019

ORDER:

With the consent of both the parties, the writ petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“..... to issue Writ of Mandamus by declaring the action of the Respondent authorities in passing the impugned order vide RC.No.532/RNT/Genl.2/2012 Dt:17-10-2013 by cancelling the petitioner's selection as SCT PC (Civil) (Men) in the unit of Warangal Rural on the ground of suppression of facts, as illegal, arbitrary, unlawful and also against the principles of natural justice and unconstitutional and consequentially set aside the same and direct the respondent authorities to consider the case of the petitioner for the recruitment and appoint him in the category of SCT PC (Civil) (Men) in the unit of Warangal Rural issued vide notification No.R.C.No.927/RNT/Rect.2/2011 Dt:31-10-2011 in accordance with the principles laid down by the Apex Court in Avtar Singh's case and pass such other.....”

Heard learned counsel for petitioner and the learned Standing counsel for respondents.

Learned counsel for the petitioner had contended that prior to the cancellation of provisional selection of petitioner as STC PC (Civil), the respondents have issued a show cause notice to the petitioner and the petitioner had challenged the said show cause notice before the Tribunal by filing O.A.No.7320 of 2013. Later, the said O.A. was transferred to this Court, and it is numbered as WP(TR).No.1021 of 2017.

When WP(TR).No.1021 of 2017 has come up for hearing, learned counsel for the petitioner was served with the copy of the order dated 17.10.2013, cancelling the petitioner's selection as SCT PC(Civil). In those set of circumstances, petitioner has withdrawn WP(TR).No.1021 of 2017 on 15.04.2019 with a liberty to challenge the said cancellation orders. It is only after withdrawing WP(TR).No.1021 of 2017, petitioner had filed the present writ petition.

Learned counsel for the petitioner further contends that the issue raised in this writ petition is squarely covered by the order dated 08.03.2019 in W.P.No.40717 of 2017 and batch.

Learned Standing counsel appearing for the respondents had contended that the petitioner's selection as STC PC(Civil) (Men) was cancelled long back on 17.10.2013 and challenging the said order, petitioner has approached this Court after a lapse of six years by filing the present writ petition, which is not maintainable.

This Court, having considered the rival submissions, is of the considered view that the petitioner was pursuing his remedies before the Tribunal which was later on transferred to this Court and numbered as WP(TR).No.1021 of 2017. Thereafter, the said writ petition was withdrawn by the petitioner, when he was served with the impugned order dated 17.10.2013. Therefore, there was no delay on the part of the petitioner.

Since the issued raised in this writ petition is squarely covered by the order dated 08.03.2019 in W.P.No.40717 of 2017 and batch, wherein this Court had directed the respondents to reconsider the cases of petitioners therein in terms of the guidelines framed by the Hon'ble Supreme Court in ***Avtar Singh v. Union of India and others***¹, for the reasons alike, the present writ petition is also disposed of directing the respondents to reconsider the case of the petitioner in terms of the guidelines framed by the Hon'ble Supreme Court in ***Avtar Singh's case (supra)*** and pass appropriate orders in accordance with law. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 22-07-2019
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¹ (2016) 8 SCC 471

