

High Court for the State of Telangana

The Hon'ble The Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Dr Justice Shameem Akther

W.A. No. 640 of 2019

Date: 02-08-2019

Between:

Lubna Tabassum & 13 others

...Appellants

and

State of Telangana
Rep. through Principal Secretary
Department of Home, Secretariat,
Hyderabad and another

...Respondents

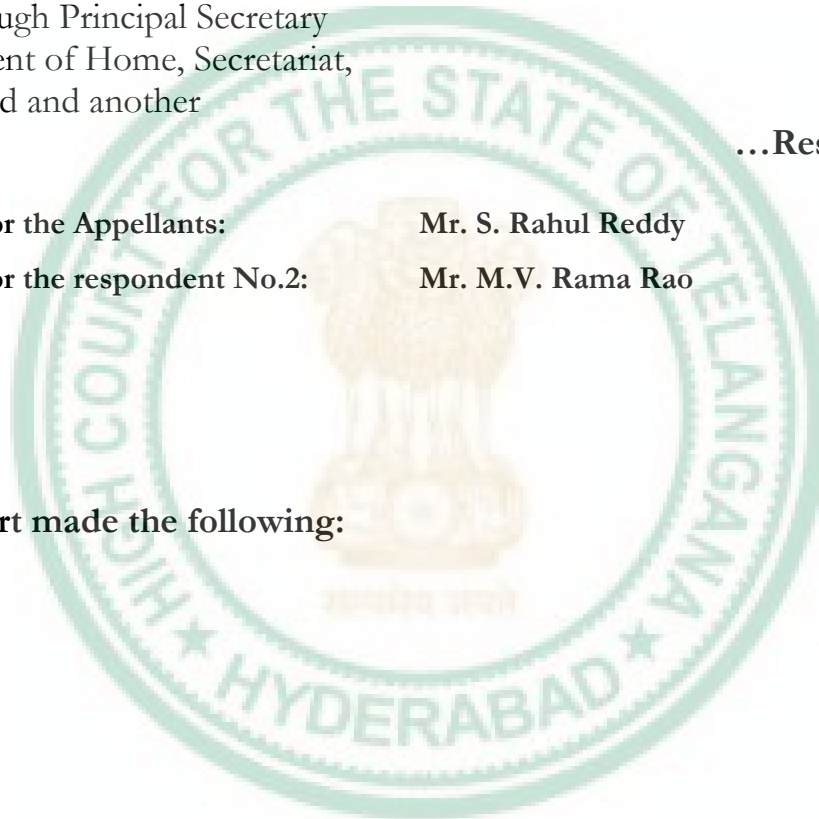
Counsel for the Appellants:

Mr. S. Rahul Reddy

Counsel for the respondent No.2:

Mr. M.V. Rama Rao

The Court made the following:



Judgment: (per Hon'ble The Chief Justice Raghvendra Singh Chauhan)

The appellants, writ petitioners, are aggrieved by the docket order dated 26-07-2019, passed by the learned Single Judge, in W.P.No. 15675 of 2019, whereby the learned Single Judge has merely directed that the case should be posted after two weeks.

The learned counsel for the appellants vehemently contends that since the selection process is in progress, the learned Single Judge should have granted a stay instead of directing that the case be posted after two weeks.

Secondly, since the appellants have challenged the “normalized marks” being granted by the respondents, since the grant of “normalized marks” is legally unsustainable, the learned Single Judge, at the first instance, should have granted an interim stay in favour of the appellants. Therefore, according to the learned counsel, the appellants are aggrieved by the non-grant of interim order in their favour.

Heard the learned counsel for the appellants, and perused the impugned order.

It is, indeed, trite to state that grant of an interim relief is within the discretionary power of the learned Single Judge. Merely because the selection process is in progress, and merely because the

appellants claim that they have a water-tight case, there is no requirement in law that the interim relief has to be given *ex-parte* in their favour. Moreover, even if the selection process were to be completed within the period of two weeks, the learned Single Judge has ample powers, under Article 226 of the Constitution of India, to set aside the selection process, if the learned Single Judge were convinced by the plea taken by the appellants that the entire selection process is vitiated by the grant of the “normalized marks”. Hence, the present appeal filed by the appellants is highly misplaced.

For the reasons stated above, this Court does not find any merit in the present appeal. It is, hereby, dismissed.

As a sequel to dismissal of the writ appeal, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Raghvendra Singh Chauhan, CJ)

(Dr. Shameem Akther, J)

Dt: 2nd August, 2019
lur