

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

W.A.No.760 OF 2022

JUDGMENT: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

Aggrieved by the order dated 08.08.2022 passed in W.P.No.14371 of 2021 by the learned Single Judge, the present writ appeal has been preferred.

Heard Sri J.R.Manohar Rao, learned counsel appearing for the appellants and Sri Rajeshwar Rao Garige, learned counsel appearing for the 1st respondent and learned Government Pleader for Endowments appearing for respondents 2 and 3.

It is the case of the appellants that the 3rd respondent issued a notification on 30-08-2019 for filling up the post of 'Sukla Yejurvedam' and in pursuance thereof, the 1st respondent applied and participated in the selection process. Thereafter, the 3rd respondent *vide* proceedings dated 09.06.2021 directed the appellants to issue appointment order in favour of the 1st respondent. When the appellants have refused to issue appointment order in favour of the 1st respondent, the 1st

respondent has approached this Court by filing W.P.No.14371 of 2021 and learned Single Judge of this Court *vide* order dated 08.08.2022 directed the appellants to take action pursuant to the order dated 09.06.2021 passed by the 3rd respondent and issue appointment order to the 1st respondent. Challenging the same, the present writ appeal has been filed.

Learned counsel appearing for the appellants had contended that with regard to appointment for the post of Grade-II, the 3rd respondent is not the competent authority, and the Trust Board is the competent authority. Moreover, the 1st respondent is a not a local candidate and on that ground, the case of the 1st respondent was not considered.

Learned counsel appearing for the appellants had further contended that the 3rd respondent has withdrawn the earlier proceedings dated 09.06.2021 issued by him on 24.12.2021 and without appreciating the said fact, the learned Single Judge has mechanically allowed the writ petition in favour of the 1st respondent. When the proceedings dated 09.06.2021 were withdrawn by the 3rd respondent itself *vide* proceedings dated

24.12.2021, the question of giving appointment order to the 1st respondent does not arise. Therefore, appropriate orders be passed in the writ petition by setting aside the order passed by the learned Single Judge.

Learned counsel appearing for the 1st respondent had contended that the proceedings of the 3rd respondent dated 24.12.2021 were communicated to the 1st respondent and the same also brought to the notice of the learned Single Judge. Since the 3rd respondent has withdrawn his earlier proceedings dated 09.06.2021 *vide* proceedings dated 24.12.2021, let the matter be remanded to the learned Single Judge so as to enable the learned Single Judge to consider the proceedings dated 24.12.2021 of the 3rd respondent and pass appropriate orders in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the learned Single Judge was not informed about the subsequent proceedings issued by the 3rd respondent dated 24.12.2021. As the proceedings dated 09.06.2021 are no longer in existence, let

the matter be remanded to the learned Single Judge to adjudicate the matter afresh.

Accordingly, the Writ Appeal is allowed by setting aside the order dated 08.08.2022 passed by the learned Single Judge and the matter is remanded back to the learned Single Judge to adjudicate the matter afresh by duly taking into consideration the proceedings dated 24.12.2021 and pass appropriate orders in accordance with law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

JUSTICE NAMAVARAPU RAJESHWAR RAO

Date: 06.12.2022

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