

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8221-8222 OF 2013
(Arising out of SLP (C) Nos. 23164-23165 of 2012)

B. Sai Kalyan Chakarvarthi etc. ... Appellants

versus

Govt. of A.P. Through Chief Secretary
& others ... Respondents

WITH

Civil Appeal No.8224 of 2013
(Arising out of SLP(C) No.9656 of 2013)

WITH

Civil Appeal No.8223 of 2013
(Arising out of SLP(C) No.27593 of 2012)

O R D E R

Leave granted in all the Special Leave Petitions.

In these appeals challenge is to the judgment and order dated 17th July, 2012, passed in Writ Petition Nos.34805 of 2011, 894 of 2012 and 34683 of 2012, which were disposed of along with other Writ Petitions.

At the outset we make it clear that the challenge relating to cancellation of appointments of some Additional District Judges solely on the ground that they were Additional Assistant Public Prosecutors and some of the candidates were age barred, were subject matter of certain special leave petitions which have already been heard and order thereon reserved by us, and a separate decision shall be rendered in the said petitions.

As far as present batch of Appeals by Special Leave are concerned, on the earlier occasion we had requested Mr. Mohan Parasaran, learned Solicitor General, appearing for the High Court of Judicature of Andhra Pradesh at Hyderabad, whether the aggrieved persons could be adjusted. Be it noted, some persons, whose selections are under assail are working in praesenti. Regard being had to the totality of the circumstances, such a request was made to Mr. Mohan Parasaran, learned Solicitor General, to find out a solution, if possible.

At this juncture, we may appreciably note that the learned counsel appearing for the appellants and Mr. Mohan Parasaran, learned Solicitor General appearing for the High Court of Andhra Pradesh, have arrived at a consensus which we reproduce hereinbelow :-

"i) The appellants, namely, (a) E. Tirumala Devi; (b) B. Sai Kalyan Chakravarthi; (c) B. Papi Reddy; and (d) Rama Devi Sai, shall be adjusted on the post of Additional District & Sessions Judge.

ii) The High Court shall proceed to extend them the benefit of appointment within a period of six weeks.

iii) The aforesaid appointees shall get the benefit of continuity of service from the date when others were appointed, but their inter se seniority shall be adjudged on the foundation of aggregate marks secured in the written examination and interview.

iv) As far as Aruna Sarika is concerned, for her adjustment a

post is required to be created. As agreed to by Mr. Mohan Parasaran, learned Solicitor General, the High Court shall send a requisition to the competent authority in the State of A.P. within a period of three weeks."

At this stage, regard being had to the concept of complete justice, we would like to issue a singular direction to the effect that after the requisition is sent by the High Court for creation of one more post, the competent authority of the State of Andhra Pradesh shall sanction the said post so that Aruna Sarika can be extended the similar benefits. The State Government shall do so within a period of three weeks from the date of receipt of the requisition from the High Court.

Needless to emphasize as we have recorded the order on consensus being arrived at, there is no expression on the merits of the judgment rendered by the High Court in this batch of appeals. We may further clarify the question that arises in these Appeals by Special Leave is not the same in the cases which we have already reserved.

The appeals are accordingly disposed of without any order as to costs.

.....J.

[Anil R. Dave]

.....J.

[Dipak Misra]

New Delhi;
September 12, 2013.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION NO.46 OF 2012

BAVI PAPI REDDY BARRENKA

... APPELLANT

VS.

HIS EXCELLENCY GOVERNOR OF A.P. & ORS. ...RESPONDENTS

O R D E R

Learned counsel for the Petitioner seeks permission to withdraw the Writ Petition.

The Writ Petition is, accordingly, dismissed as withdrawn.

.....J.

[ANIL R. DAVE]

.....J.
[DIPAK MISRA]

New Delhi;
September 12, 2013.

ITEM NO.2 (PH)

COURT NO.12

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL) NO(s). 46 OF 2012

BAVI PAPI REDDY BARRENKA

Petitioner(s)

VERSUS

HIS EXCELLENCY GOVERNOR OF A.P.& ORS.

Respondent(s)

(With appln(s) for stay, permission to file additional documents and office report)

(For final disposal)

WITH SLP(C) NO. 23164-23165 of 2012

(With office report)

SLP(C) NO. 27593 of 2012

(With appln. for permission to bring on record subsequent event and additional documents and with prayer for interim relief and office report)

SLP(C) NO. 9656 of 2013

(With prayer for interim relief and office report)

Date: 12/09/2013 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s)

Mr. P.S. Patwalia, Sr. Adv.
Mr. Y. Raja Gopala Rao, Adv.
Ms. Vismai Rao, Adv.
Mr. Hitendra Nath Rath, Adv.

Mr. R. Basant, Sr. Adv.
Mr. G. Ramakrishna Prasad, Adv.
Mr. B. Suyodhan, Adv.
Ms. Filza Moonis, Adv.

Dr. K. Lakshmi Narasimha, Adv.
Mr. S. Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Ms. Praseena E. Joseph, Adv.
Mr. Shivendra Singh, Adv.
Mr. Rahul Pandey, Adv.
For M/s. Lawyer's Knit & Co., Advs.

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.2.

For Respondent(s)
High Court of AP

Mr. Mohan Parasaran, SG
Mr. Anshuman Ashok, Adv.
Mr. Ashwin Kumar, Adv.
Mr. P.S. Tripathi, Adv.

Mr. R. Basant, Sr. Adv.

Mr. B. Suyodhan, Adv.
Mr. Mohd. Wasay Khan, Adv.
Ms. Filza Moonis, Adv.
For Ms. Tatini Basu, Adv.

Mr. G.N. Reddy, Adv.
Mr. Debojit Borkakati, Adv.
Mr. Bala Shivudu M., Adv.

Mr. C.S.N. Mohan Rao, Adv.
Mr. Aditya Kumar, Adv.

Mr. Santosh Mishra, Adv.
Mr. Param Mishra, Adv.

Mr. Gunnam Venkateswara Rao, Adv.
Ms. Prabha Swami, Adv.
Mr. Purushottam Sharma Tripathi, Adv.
Ms. Sudha Gupta, Adv.
Mr. B. Subramanya Prasad, Adv.
Mr. Sridhar Potaraju, Adv.
M/s. Mahalakshmi Balaji & Co., Adv.
Mr. P. Vinay Kumar, Adv.

UPON hearing counsel the Court made the following
O R D E R

WP(C)No.46/2012 :

The Writ Petition is dismissed as withdrawn in terms of the signed order.

SLP(C)Nos.23164-65/2012, 27593/12 & 9656/13 :

Leave granted in all the Special leave Petitions.

The appeals are disposed of without any order as to costs in terms of the signed order.

|(Sarita Purohit)
|Court Master

|(Sneh Bala Mehra)
|Court Master

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(Two signed orders are placed on the file)