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15. ORDER DT. 03-09-2001.

Heard counsel on record. This O.A. was filed on 11-2-2000 with the following prayers;

*It is therefore, humbly prayed that the Hon'ble Tribunal may be pleased to quash the appointment of Respondent No.3 as EDBPM of Badaputti;

AND

Further direct the Respondent No.2 to fillup the post from amongst the reserved community candidates, who have applied for the post, after taking into consideration, of all OBC candidates;

AND

Any other order(s) as the Hon'ble Tribunal deems just and proper in the interest of justice*.

Subsequently the applicant filed an application for amendment on 10-4-2000 with the following prayers;

*Page-1, the name of Sri T. Prakash Rao as Res. No.3 given in the cause title may be deleted;

2. Page-5, para 4(x) (last but one line) instead of in order to post the Res. No.3 the following line may be substituted;

In order to post a O.C. candidate.

3. Page-5, para (XII) 2nd line & 4th line in place of Respondent No.3 (*Selected candidate*).

4. Page-6, para-3 (Relief sought), 3rd line, the word Respondent No.3 as may be deleted.

5. Page-4, para 4(ix) last but one line instead of Respondent No.3 may be substituted by other caste candidate*.

This amendment was allowed and thereafter consolidated amended petition was filed on 17-5-2000 with the following prayers;

*It is therefore, humbly prayed that the Hon'ble Tribunal may be pleased to quash the appointment of EDBPM of Badaputti;

AND

Further direct the Respondent No.2 to fill up the post from amongst the reserved community candidates, who have applied for

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the post, after taking into consideration of all OBC candidates;

AND

Any other order(s) as the Hon'ble Tribunal deems just and proper in the interest of justice*.

The Departmental Respondents oppose the prayers made by applicant.

The main prayer of the applicant is for quashing the appointment of EDBPM, Badaputti and thereafter to direct the Respondent No.2 to fillup the post from amongst the reserved community candidates who have applied for the post, after taking into consideration of all OBC candidates. It is admitted that T. Prakash Rao has been appointed as EDBPM, Badaputti BO. In the Original Application filed on 11-2-2000 this T. Prakash Rao was impleaded as Res. No.3 with a prayer that his appointment as EDBPM shall have to be quashed. Through the amendment the Respondent No.3 Shri T. Prakash Rao has been deleted and so also the prayer portion "appointment of Res. No.3 to be quashed" has also been deleted. Unless the appointment of Shri T.P. Rao, is quashed, question of considering the next prayer i.e. for issue of direction to Respondent No.2 to fillup the post from amongst the reserved community candidates after taking into consideration of all OBC candidates does not arise. Since T.P. Rao who was originally impleaded as Res. No.3 and subsequently deleted through amendment is no longer a party and he being a necessary party, the main prayer for quashing his appointment can not be considered by us by violating the well known principle of natural justice.

In this view of the matter, we do not see any merit in this O.A. which is accordingly dismissed.

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Free copies of
final order
dt. 3.9.2001 issued
to counsel for
both sides.

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There shall be no order as to costs.

[Signature]
SCOTT TH SOM
VICE-CHAIRMAN
3.9.2001

3.9.01
(G. NARASIMHAM)
MEMBER (JUDL.)

KNM/CM.