APHC010887332018

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

WEDNESDAY,THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 42894/2018

Between:

1. A. CHENNA KESAVA RAO,, S/O SRI A. VENKATESWARA RAO AGED 59 YEARS, OCC. PHYSICAL EDUCATION TEACHER R/O 10-539, EASWAR NAGAR, RAMANAYYAPETA KAKINADA, EAST GODAVARI DISTRICT, AP.

...PETITIONER

AND

1. THE KAKINADA PUBLIC SCHOOL, REP. BY ITS PRINCIPAL SARVODAYA NAGAR, VALASAPAKALA KAKINADA, EAST GODAVARI DISTRICT, AP
2. THE DISTRICT COLLECTOR AND PRESIDENT OF SARVODAYA EDUCATIONAL SOCIETY, EAST GODAVARI DISTRICT, ANDHRA PRADESH
3. THE CENTRAL BOARD OF SECONDARY EDUCATION, REP. BY ITS SECRETARY SIKSHA KENDRA, COMMUNITY CENTRE, PREET VIHAR NEW DELHI.
4. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY EDUCATION DEPARTMENT AP SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to to issue Writ, order or direction preferably Writ of Mandamus declaring the action of the Respondents 1 and 2 in retiring the Petitioner upon attaining the age of 53 years as illegal, arbitrary, violative of principles of natural justice and Articles 14 and 21 of the Constitution of India and the Circular No.22, dated 18/02/2014 issued by the 3rd Respondent and consequently, direct the Respondents 1 and 2 to reinstate the Petitioner and continue his service till he attains the age of 60 years and pass

IA NO: 1 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents 1 & 2 to reinstate the petitioner and continue his service as Physical Education Teacher till he attains the age of 60 years, pending disposal of the writ petition in the interest of justice.

Counsel for the Petitioner:

1. KALLA TULASI DURGAMBA

Counsel for the Respondent(S):

1. D.GAYATHRI
2. GP FOR EDUCATION
3.

The Court made the following:

ORDER:

This Writ Petition came to be filed under Article 226 of the Constitution of India, seeking the following prayer:

> "to issue Writ, order or direction preferably Writ of Mandamus declaring the action of the Respondents 1 and 2 in retiring the Petitioner upon attaining the age of 53 years as illegal, arbitrary, violative of principles of natural justice and Articles 14 and 21 of the Constitution of India and the Circular No.22, dated 18/02/2014 issued by the 3rd Respondent and consequently, direct the Respondents 1 and 2 to reinstate the Petitioner and continue his service till he attains the age of 60 years and pass"

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

3. Admittedly, the present writ petition is filed aggrieved by the action of respondent Nos.1 and 2 in retiring the petitioner upon attaining the age of 58 instead of continuing his services till he attains 60 years of age. It is evident that this petition is filed in the year 2018 and the petitioner was aged about 59 years by then. Furthermore, the petitioner failed to obtain any interim order from this Court at the time of admission. As such, this Court is of the opinion that the cause in the writ petition would not survive for further adjudication and that the matter has become infructuous.

4. In view of the same, this writ petition is dismissed as infructuous. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this Petition shall stand closed.

JUSTICE V.SUJATHA

17.06.2026
Gss