

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.22780 OF 2003

ORDER

This writ petition is filed seeking the following relief:

“....to pass an order or orders more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in not approving the petitioner's services as appointed by the 1st respondent and informed the same vide proceedings dated 24.7.2002 to the 2nd respondent is illegal, arbitrary and unconstitutional and against the principles of natural justice, consequently direct the 2nd respondent to ratify the proposal sent by the 1st respondent dt. 24.7.2002 by giving financial benefit with retrospective effect from the date of the joining of the petitioner and pass such other order or orders as this Honourble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Karri Suryanarayana, learned counsel appearing for the petitioner and learned Government Pleader for School Education appearing for respondent Nos. 2 to 5 and Sri Kasa Jagan Mohan Reddy, learned Standing Counsel appearing for respondent No.1.

It is the case of the petitioner that initially, he was appointed as Head Master in the 1st respondent-School on 22.7.2002. Thereafter, the 1st respondent had sent proposals to the 2nd respondent on 24.7.2002 to ratify the appointment of the petitioner. But the 2nd respondent has not passed any orders.

Learned counsel appearing for the petitioner contends that the action of the respondents in not approving the appointment of the petitioner is arbitrary and illegal.

Learned Government Pleader appearing for the official respondents contends that without following the procedure, the petitioner was appointed and hence, the question of approving the appointment of the petitioner does not arise.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that if the petitioner is discharging his duties, the 1st respondent shall submit proposals afresh to the 2nd respondent.

Accordingly, the Writ Petition is disposed of directing the 1st respondent to submit proposals afresh to the 2nd respondent, if the petitioner is discharging his duties as on today, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposals, the 2nd respondent shall consider the same and pass appropriate orders within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

12th November, 2018

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