

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.5695 OF 2005

Between:

K. Venkateswarlu

.. Petitioner

and

The State of Andhra Pradesh rep. by its
Secretary to Education Department and others

.. Respondents

DATE OF JUDGMENT PRONOUNCEMENT
2015

: 27th JULY,

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. | Whether Reporters of Local newspapers
may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |

3. Whether Their Lordship wish to
see the fair copy of the judgment?

Yes/No

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.5695 OF 2005

ORDER

The grievance of the petitioner in this case was that his case for absorption in the aided post of Hindi Pandit Grade-II in the fifth respondent school was not being considered owing to the Memo dated 20.10.2004, whereby the Government of Andhra Pradesh imposed a general ban on recruitment.

Though Sri T. Prabhudas, learned counsel representing Sri L.V.S. Nagaraju, learned counsel for the petitioner, would contend that the impugned Memo dated 20.10.2004 could not be given retrospective operation by virtue of the judgments of this Court and the Supreme Court, he also admits that the said principle would apply only if sanction has already been given for filling up the vacancies in the aided posts concerned.

However, the counter-affidavit filed by the District Educational Officer, Ongole, reflects that the petitioner was appointed in an unaided post in the fifth respondent school on 05.06.2001. The post of Part-time Vocational Instructor fell vacant due to retirement of the incumbent and proposals were submitted to the Commissioner and Director of School Education, Andhra Pradesh, under the District Educational Officer's letter dated 10.04.2003. However, without waiting for the requisite approval for conversion of the post, the Correspondent of the fifth respondent school effected such conversion. The appointment of the petitioner was not

even approved by the competent authority.

In the light of these unrebutted facts, it is not open to the petitioner to assert that he would be covered by the decisions of this Court and the Supreme Court as regards the operation of the general ban on recruitment as per the Memo dated 20.10.2004.

The writ petition is therefore without merit and is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

27th JULY, 2015

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