

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No. 14303 of 2000

Dated: 19.06.2015

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Between:

K.Ramani Mani, W/o P.Koteswararao

... Petitioner

And

The Government of A.P. rep. by its
Secretary for Finance & Planning Department,
Secretariat, Hyderabad and others

... Respondents

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No. 14303 of 2000

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ORDER:

This writ petition is filed to direct the respondents to continue the petitioner as Junior Assistant in the 4th respondent college and pay minimum pay scale attached to the said post in the interest of justice.

2. It is the contention of the petitioner that she passed B.Sc., in the year 1973, was appointed in the 4th respondent college on 03.08.1985 against the leave vacancy of Smt.C.V.P.S.Subha Kumari which is an unaided post. The said Subha Kumari did not report duty even after expiry of her leave, therefore, the petitioner continued in the said post and completed 15 years of continuous service and passed departmental tests also. She further contended that as per G.O.Ms.No.212 dated 22.04.1994, for regularisation one must be appointed prior to 25.11.1993 and continued to be in service and complete 5 years of service. She further contended that she completed said five years of service by 03.08.1990 much prior to the said G.O. and as such she is entitled for regularization of service. She contended that she is eligible and qualified for regularization and entitled for all attendant benefits including scale as per said G.O., but she is only receiving consolidated pay and prayed to direct the respondent to regularize her service in the light of the said G.O. She further contended that though she is eligible for regularization for the post of Junior Assistant in the existing aided post of Museum keeper/Harbarium keeper/Record Assistant, the 4th respondent instead of sending proposal for regularisation in the above said vacancy recommended her name for regularization in the post of sweeper ignoring the fact that she is a graduate working as Junior Assistant and that she did not give any consent for the said recommendation. She further contended that she is apprehending that the 3rd respondent may pass orders accepting the proposal sent by 4th respondent to regularise her service as sweeper and on anticipating such action, she approached this Court by way of this writ petition.

3. Third respondent filed counter-affidavit disputing the affidavit averments of the petitioner and contended that the petitioner is not eligible for regularization of services against aided vacancy and that the 4th respondent has not submitted any proposal in respect of the petitioner and in the absence of any proposal, 3rd respondent cannot initiate any action. It is further contended that as there is no proposal from 4th respondent question of examining the case of the petitioner for regularization of the service into the post of Junior Assistant does not arise. It is further contended that in the absence of any statutory provision governing grants to private educational institution, no *mandamus* can be issued directing the State to provide grant in aid and that the writ petition is devoid of merits.

4. Sri Ch.Srinivas, learned counsel for the petitioner submitted that the petitioner continued in the post of Junior Assistant and retired from service and she was paid all benefits including pensionary benefits and the cause does not survive. He further submitted that 4th respondent may be asked not to affect the benefits already derived by the petitioner including pension.

5. As seen from the material on record, petitioner approached this Court anticipating that she may be absolved in the post of sweeper under the impression that 4th respondent recommended her name for the post of sweeper though she has been working as Junior Assistant over a period of 15 years by that date i.e., by the date of filing of the writ petition in the year, 2000. But the fact remains that no such recommendation was made by the 4th respondent, which is evident from the counter filed by the 3rd respondent and the petitioner was not disturbed and continued in the same post till she retired. So considering these aspects as rightly pointed out by the learned counsel for the petitioner, no cause survives and the writ petition can be disposed of observing that the benefits already derived by the

petitioner cannot be disturbed.

6. Accordingly, the Writ Petition is disposed of. No costs.

As a sequel, miscellaneous petitions, if any filed in this writ petition, shall stand closed.

S. RAVI KUMAR, J

19th June, 2015.
ssp