

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

Writ Petition No.15672 of 2014

Between

Bhukya Balaji Rao

... Petitioner

and

The Member Secretary,
A.P. Tribal Welfare Residential
Educational Institution Society
(APTWREIS), Masab Tank,
Hyderabad;
and 4 others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 11-8-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE R.KANTHA RAO

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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 Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish
to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.15672 of 2014

Order:

Heard Sri S.Pradeep Kumar, learned counsel appearing
for the petitioner and Sri N.Bhoopal Reddy, learned counsel
appearing for the respondents 1, 4 and 5.

2. This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of *mandamus* to declare the impugned proceedings dated 14-4-2013 issued by the 4th respondent terminating the petitioner from service as an Accountant in the 5th respondent-Kasturba Gandhi Balika Vidyalaya, Dummagudem, Khammam district (KGB Vidyalaya, for short) without giving any notice, as illegal, arbitrary and in violation of Articles 14 and 21 of the Constitution of India and consequently to direct the respondents to continue the petitioner as an Accountant in the 5th respondent-KGB Vidyalaya by setting aside the impugned proceedings issued by the 4th respondent, dated 14-4-2013.

3. The petitioner was appointed by the 1st respondent-Andhra Pradesh Tribal Welfare Residential Educational Institution Society, Hyderabad. He was appointed on contract basis in the year 2005 as a non-teaching staff in the newly sanctioned schools in the State, namely, Kasturba Gandhi Balika Gurukula Vidyalayas. Accordingly, he was appointed in the 5th respondent-KGB Vidyalaya by its Special Officer as an Accountant on 04-9-2008.

His services have been renewed from time to time by the 4th respondent-Project Officer, ITDA, Bhadrachalam till February, 2013. While so, the 4th respondent issued proceedings dated 14-4-2013 terminating the services of the petitioner even without issuing any notice and affording him any opportunity to submit his version. The said action is

challenged in the present writ petition. According to the petitioner, the 4th respondent cannot terminate the services of the petitioner on the pretext of taking necessary action on the male non-teaching staff working in KGB Vidyalaya, Dummagudem, Khammam district having availed the services of the petitioner for nearly 6 years. He submits that he is the only earning member of his family and on account of his termination, his entire family has been subjected to much hardship and injury.

4. The respondents 1, 4 and 5 filed a counter affidavit contending, *inter alia*, as follows:

(a) The petitioner was appointed as an Accountant on contract basis basing on the Memo dated 22-4-2009 issued by the Principal Secretary, Primary Education. As per the said Memo, the services of the teaching and non-teaching staff of KGB Vidyalaya Institutions are purely temporary and they shall be terminated at the end of the year. Accordingly, the services of the petitioner used to be terminated at the time of last working day of KGB Vidyalaya and he was re-engaged afresh on contract basis.

(b) By proceedings dated 12-9-2013, the Government have framed guidelines regarding recruitment of the staff in the A.P. KGB Vidyalaya Institutions. According to the said guidelines, in the schools where there are only girl students, no male member can be appointed either in the teaching or non-teaching posts. The same has been implemented in all

the schools and basing on the said proceedings, all the Special Officers have removed the male staff. But, some of the Special Officers, by oversight, continued the services of the male non-teaching staff. Subsequently, some surprise inspections were conducted and the male staff were identified and they were terminated. It is submitted by the respondents that no single male person was working in KGB Vidyalayas in Khammam district. The proceedings were issued by the Government prohibiting the appointment of male members taking into consideration the fact that innocent girl students are being exploited by the male staff members. Therefore, a decision was taken by the Government to engage only women candidates in KGB Vidyalayas.

(c) It is further submitted that after terminating the services of the petitioner, the petitioner's wife was provided with employment by the Institution as an Attender.

The petitioner waited after securing the appointment to his wife as aforesaid and filed the present writ petition belatedly.

Contending as above, the respondents 1, 4 and 5 sought to dismiss the writ petition.

5. The learned counsel appearing for the petitioner contended that even though the appointment of the petitioner is on contract basis and was being renewed every year, his services cannot be terminated without any show cause notice and without calling for his explanation.

6. On the other hand, the learned counsel appearing for the respondents 1, 4 and 5 would submit that the services of the petitioner being purely temporary and as he agreed to the terms of the agreement which states that his services can be terminated without giving any notice, cannot contend that his services cannot be terminated without giving any notice.

7. The learned counsel appearing for the petitioner invited the attention of this Court to an interim order granted by the learned Single Judge of this Court which is to the effect that the petitioners in the said writ petition can be continued where students are only boys or where there are girl students as well as boy students. But, in the Institution in which the petitioner is working, it is submitted by the respondents 1, 4 and 5 that all the students are girls and therefore, in view of the proceedings above-referred, the services of the petitioner are required to be terminated.

8. Considering the submissions made on either side, this Court is of the view that since the petitioner joined the job of Accountant having accepted the condition that his services are purely temporary and can be terminated at any time, it is not open for him to contend that the respondents cannot terminate his services without affording him an opportunity. Further, a policy decision was taken by the Government not to allow any male staff member to work in KGB Vidyalaya Institutions. The petitioner cannot insist that

he can still work in the Institution meant for girl students. Further, there is inordinate delay on the part of the petitioner in approaching this Court under Article 226 of the Constitution of India.

9. For all these reasons, I do not find any merit in the writ petition and the same is dismissed without any order as to costs. The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

R.KANTHA RAO, J.

11th August, 2015.

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HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.15672 of 2014

11th August, 2015.
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