THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 5217 OF 2015

O R D E R:

The petitioner herein sought for a writ of mandamus for declaring the action of Respondents 2 and 3, namely the Director of College Education and the Departmental Promotion Committee constituted for considering the candidature of suitable lecturers for promotion as Principal of the 4th respondent college, as illegal.

The case of the petitioner is that she responded to the notification issued by the Andhra Pradesh College Service Commission for selection and appointment as Assistant Lecturer in Zoology in the 4th respondent college. Both the petitioner as well as the 5th respondent were recruited by the Andhra Pradesh College Service Commission and they were allotted to the 4th respondent college. The 4th respondent college, acting through its Honorary Correspondent, issued the orders of appointment, dated 09.05.1991 appointing the 5th respondent and the petitioner herein as Lecturers in Zoology. Pursuant to these orders of appointment, the writ petitioner appears to have joined the service of the college on 17.06.1991, while the 5th respondent had joined on 21.06.1991. Hence, the petitioner claims seniority over the 5th respondent as Lecturer in Zoology. The inspiration for this claim emanates from a circular instruction said to have been passed on by the Commissioner of College Education on 04.02.1999 furnishing guidelines for fixing *inter se* seniority of Lecturers working in private aided degree colleges, which indicated the date of joining in degree college as the criteria for fixing *inter se* seniority amongst the lecturers working in degree colleges. Based upon this circular instruction containing the guidelines, the petitioner seems to have submitted a representation on 13.06.2014 seeking consideration of her candidature for promotion as a Principal ahead of the 5th respondent.

However, it would be important to notice the order of appointment dated 09.05.1991. It has been made clear by the 4th respondent college that the Andhra Pradesh College Service Commission has selected the 5th respondent as well as the petitioner herein for appointment as Lecturers in Zoology. Therefore, while giving effect to the said selection carried out by the Andhra Pradesh College Service Commission, the 4th respondent has appointed both the 5th respondent as well as the writ petitioner subject to the conditions specified therein. Condition No. 5 therein reads as under:

> " The inter-se seniority would be in the same order as above as stipulated."

The name of the 5th respondent is placed at Sl.No.1 while that of the petitioner at No.2. It is therefore, obvious and clear that the 5th respondent has been placed in the merit list at No.1 by the College Service Commission while the petitioner has been placed at No.2. That is the reason why the 5th respondent was treated all through from 1991 onwards as senior to the petitioner herein. After so many years have elapsed, the petitioner is now seeking to rake up the issue of *inter se* seniority. When once the petitioner has accepted the order of appointment dated 09.05.1991, which contained the stipulation referred to supra, it does not lie in the mouth of the petitioner to turn round after so many years and contend that the 5th respondent cannot be treated as senior to her. This apart, the 5th respondent was not only treated as senior all through from 1991 to the petitioner but was also accorded all such benefits that normally flow there from ahead of the petitioner including such appointments as Vice Principal of the college, etcetera. Thus, looked at from any perspective, the claim of the petitioner is not only a belated one, but clearly lacks merit.

However, for the purpose of considering the candidature for promotion as Principal, the norm that is to be followed is to consider the names of three senior-most lecturers in the college. I am sure and

confident that the respondents will adhere and abide by the said norm and in case the writ petitioner figures out within the first three ranks of seniority in the college, her candidature also will be considered along with the 5th respondent

With this, the Writ Petition stands dismissed at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

03rd March 2015

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