

**HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

HON'BLE SMT JUSTICE ANIS

WRIT PETITION No. 3379 OF 2015

ORDER: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

The District Educational Officer, Ananthapur, the Commissioner & Director of School Education, Andhra Pradesh and the State of Andhra Pradesh are the petitioners in this Writ Petition, who challenged the correctness of the orders passed by the Tribunal, in O.A.No.1070 of 2013.

The short question that fell for consideration before the Tribunal in O.A.No.1070 of 2013 instituted by the first respondent herein relates to sanction of increments to the applicant in Original Application. The petitioners herein have sanctioned him the annual grade increment as a Special Teacher in December, 1990. The applicant sought the preponement of this to April, 1990. That request made by the applicant has been turned down on 26th November, 2012 and against that order, he instituted the Original Application.

The facts are not in dispute. The State Government has undertaken appointment of additional teachers to "Single Teacher Schools" under the Operation Black Board. The orders to that effect were passed by the State Government in their G.O.Rt.No.1419 Education Department dated 05.08.1989, which clearly spell out that the Government has accorded permission to absorb special teachers, who have been undergoing training and waiting for results, in the ratio fixed by the Government in their G.O.Rt.No.1157 Education dated 03.07.1989, in anticipation of

publication of their results subject to the following conditions:

- 1) They should be placed in the minimum scale of pay till such time they passed the T.T.I. training.
- 2) They should be absorbed into regular scale of pay and kept on probation from the date following the day of publication of training results.

The claim of the applicant before the Tribunal is that he was absorbed into service in April, 1989 itself and since the increment is liable to be sanctioned upon completion of 12 months of satisfactory service, an increment is in fact due and liable to be paid to him in April, 1990.

The case of the petitioners herein is that the results of the teacher training were announced on 16th December, 1989 and hence all such special teachers were put on probation on 17.12.1989 and reckoning 12 months of satisfactory service therefrom, the increment in the running scale of pay was sanctioned in August, 1990.

Now, the question is whether the annual grade increment is liable to be sanctioned to the applicant in April, 1990 or in August, 1990?

When it is a condition precedent that the absorption must be followed upon completion of the training, the claim that annual grade increment shall be sanctioned from a date prior to completion of training, appears to be lacking any basis. The order passed by the State Government, in their G.O.Rt.No.1419 Education Department dated 05.08.1989, clearly spelt out that in anticipation of their passing the training programme, the Government accorded permission for engaging the special

teachers in "Single Teacher Schools", so that the burden of teaching the students is shared by two teachers instead of one. The training programme was completed by the end of July and however the results were published in December, 1989.

When once the results have been declared and a candidate is stated to have passed, the concept of treating the candidate to have acquired the said qualification as of the last day the examination was conducted, comes to the rescue of such candidate. That was to offset the disability if any, for want of publication of the results. Once results are published and a candidate is declared to have passed the test/training, the benefit must necessarily go backwards to the last date of the test/training as the case may be. Therefore, the benefit of declaration of results in December, 1989 must be given effect from 12.08.1989, the last date on which the examinations for the training course were completed. Therefore, for sanctioning an annual grade increment, 12 months of satisfactory service can be commenced or treated to have commenced on 12.08.1989 and when once it is so reckoned, the increment becomes due in August, 1990. The fact that the applicant has been engaged as a Special Teacher in April, 1989 itself, will not secure him the desired result.

For the aforementioned reasons, the order of the Tribunal is not sustainable and it is accordingly set aside by allowing the Writ Petition. However, the first respondent/applicant is entitled for the benefit of annual grade increment from August, 1990 onwards. Accordingly, the entire exercise be regulated. But, however, without costs.

Miscellaneous Petitions, if any, pending in the Writ Petition,

shall stand closed, consequently.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

Date: 25.08.2015
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