

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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W.P. Nos.13270 of 2009 & 19501 of 2016

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COMMON ORDER:

These two writ petitions are being disposed of by this common order as the petitioner is common in both the cases.

The petitioner was appointed as a Lecturer in Pedanandipadu Arts & Science College, Pedanandipadu, Guntur District in the year 2002 in an aided post. He was appointed after undergoing the due process of selection. His appointment was approved by the competent authority. He is a native of Hyderabad. While he was working in the said College, the erstwhile Government of Andhra Pradesh took a policy decision to re-deploy all the surplus staff working in various aided colleges to the needy aided colleges/Government colleges instead of terminating the services of surplus staff for want of sufficient work load. The post held by the petitioner in the said college was found to be surplus. Accordingly, the Commissioner of Collegiate Education issued proceedings on 07.03.2006 redeploying the petitioner from the said college to Government Degree College (Women), Ongole, Prakasam District. Accordingly, he reported to duty, but an objection was raised with regard to his posting in a women's college. As per the instructions of the Government, no teaching or non-teaching staff below the age of 45 years should be posted in a women's college. In those circumstances, he represented to the Commissioner of Collegiate Education for posting him in Pragathi Maha Vidyalaya Degree College, Hyderabad as there was sufficient work load in the said college. Considering the said request, the then Commissioner of Collegiate

Education issued proceedings on 01.07.2008 permitting the petitioner to work in the said college on deputation initially for a period of one year. The petitioner reported for duty on 05.07.2008. When he was sought to be disturbed from the college in Hyderabad, he filed W.P. No.13270/2009 and this Court by order dated 06.07.2009 directed the respondents to continue the petitioner in service in the Pragathi Maha Vidyalaya Degree College, Hyderabad until further orders. As a result of said order, the petitioner has been continuing and now the Government filed a petition in W.V.M.P. No.2615/2016 in W.P.M.P. No.17231/2009 in W.P. No.13270/2009 seeking vacation of the said order.

When the said writ petition is pending, the State is bifurcated and after bifurcation an order was passed by the Commissioner of Collegiate Education, Telangana State, Hyderabad on 03.06.2016 surrendering some lecturers including the petitioner to the State of Andhra Pradesh and challenging the same, the petitioner filed W.P.No.19501/2016.

A counter affidavit is filed by the respondents 1 and 2 in W.P. No.13270/2009 stating that a Circular Memo dated 07.04.2015 was issued by the Government of Andhra Pradesh and Government of Telangana issuing instructions to the Heads of the Departments to repatriate the local cadre employees of other State, if any working in their office, immediately with instructions to report before the respective Head of Department. Keeping in view of the above instructions the services of petitioner along with others who were originally belonging to Andhra Pradesh State and working in Telangana State in private aided colleges were surrendered to the Commissioner of Collegiate Education, Andhra Pradesh State, Hyderabad through the impugned proceedings in

W.P. No.19501/2016.

The counter affidavit is silent with regard to the local status of petitioner. The petitioner claims to be belonging to Hyderabad State and by virtue of the interim order granted on 06.07.2009 in W.P. No.13270/2009 the petitioner has been continuing in an aided college of Hyderabad. Learned counsel for the petitioner brought to the notice of this Court the consideration of several cases of persons, belonging to one State making a representation and consider their individual cases for allotment to another State on the facts of the case, and passing orders in respect of the respective individuals. The petitioner submitted a representation on 09.07.2016 to the Principal Secretary to Government, Higher Education Department, Government of Telangana, Hyderabad, seeking consideration of his case. In view of the circumstances explained in the said representation and the instances shown in the said representation, the case of petitioner also should be considered without applying the general Circular in the case of petitioner.

In view of the above, these two writ petitions are disposed of directing respondent No.2 in W.P. No.19501/2016 to consider the representation of petitioner dated 09.07.2016 and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order. Till such time, *status quo* prevailing as on today shall continue. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

02.08.2016

MVA