

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

WRIT PETITION No.8200 of 2016

Dated: 17.03.2016

Between:

Smt. D.Sujatha

.. Petitioner

And

The State of Telangana,
Rep. by its Principal Secretary,
Department of Municipal Administration
& Urban Development,
Secretariat, Hyderabad
and others.

.. Respondents

Counsel for the Petitioner: Mr. N. Chandra Sekhar Reddy

Counsel for Respondent Nos.2 to 4: Mr. T. Sudhakar Reddy
(SC for HMWSS)

Counsel for Respondent No.1 : G.P. for Municipal
Administration

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This Court made the following:

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ORDER: (Per Hon'ble Sri Justice C.V. Nagarjuna Reddy)
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The petitioner was appointed as Assistant (P & A) in respondent No.2-Board on compassionate grounds in place of her deceased father. One of the conditions subject to which her appointment was made was that she has to obtain the relevant educational qualification, namely Degree within three years. As the petitioner failed to acquire the said qualification, the period was extended by two more years and it was again extended by another two years. Thus, the petitioner had the benefit of seven years' time for acquiring the Degree. As the petitioner failed to acquire the Degree even within the time extended twice, respondent No.2 has issued notice, dated 12.02.2015, to the petitioner to show cause as to why she shall not be appointed to a lower post, which is General Purpose Employee (P&A), treating her as a fresh candidate. The petitioner gave a reply on 16.02.2015, requesting for some more time for the purpose of acquiring requisite qualification by stating that there was only one backlog paper remaining in the 2nd year of the Degree course. However, respondent No.2 has not accepted the said plea and issued proceedings No.224/A2/1998/7760, dated 18.12.2015, appointing the petitioner to lower post of General Purpose Employee (P&A) treating her as a fresh candidate. Feeling aggrieved by this order, the petitioner filed O.A.No.5 of 2016 on the file of the A.P. Administrative Tribunal, Hyderabad (for short, 'the Tribunal'), which was dismissed by the impugned order dated 28.01.2016.

At the hearing, Mr.N.Chandra Sekhar Reddy, learned counsel for the petitioner, submitted that his client has appeared for the Examination in the backlog paper of 2nd year in February, 2016 and

that she is expecting results to be declared in the 2nd week of April, 2016.

Mr. T.Sudhakar Reddy, learned Standing Counsel for Hyderabad Metropolitan Water Supply and Sewerage Board, submitted that in spite of sufficient opportunity having been given to the petitioner, she failed to secure the educational qualification of Graduation for more than 10 years and, therefore, the Tribunal has rightly declined to grant the relief in her favour.

It is true that as a result of the petitioner's failure to acquire the requisite educational qualification, she cannot insist as of right to hold the post to which she was appointed, as the said post requires Graduation as minimum educational qualification. However, in the light of the plea advanced by the learned counsel for the petitioner that the petitioner has only one backlog paper to be cleared for obtaining Degree and she has already appeared for the Examination held in February, 2016, we feel that the petitioner deserves one more opportunity. The petitioner is given time till 30.06.2016 to acquire the qualification of Degree and place proof thereof before respondent No.2. Till that time, the petitioner shall be continued as Assistant (P&A), the post in which she was appointed. If the petitioner, for any reason, fails to obtain Degree before the abovementioned date, order dated 18.12.2015 passed by respondent No.2 will stand revived and the petitioner shall not be entitled to question the same in any Forum.

The Writ Petition is, accordingly, allowed to the extent indicated above.

As a sequel to the allowing of the writ petition, WPMP.No.10413 of 2016 filed by the petitioner for interim relief stands disposed of as

infructuous.

C.V.NAGARJUNA REDDY,J

M.S.K.JAISWAL,J

17.03.2016
v v