

**THE HONOURABLE SRI JUSTICE U.DURGA PRASAD
RAO**

WRIT PETITION No.9124 of 2001

ORDER:

This Writ Petition is filed to direct the respondents to admit the petitioner to grant-in-aid post with effect from the date on which her junior was admitted to the said post with all attendant and consequential benefits.

2. The case of the petitioner is that pursuant to the paper advertisement in 1993 for the post of Hindi Pandit Grade-II in Bharathiya Vidyanikethan Upper Primary School, Mahbubnagar, she appeared and was appointed as Grade-II Hindi Pandit on 12.03.1984 by following the procedure prescribed. The petitioner was qualified for the above said post as she possessed the certificate of Vidwan and Sikshak training of Karnataka.

3. Her further case is that she is eligible for Grade-I Hindi Pandit. But, contrary to her expectation, the respondents issued Proceedings Dt. 8.8.1985 approved her appointment to the post of Hindi Pandit Grade-II. However, her junior Ishak Ahmed was considered and he was approved for Hindi Pandit Grade-I post under Proceedings RC.No.C2/3279/94, dt. 6.12.1995 issued by the 3rd respondent. The petitioner submits that the said Ishak Ahmed was appointed on 1.10.1985, whereas the

petitioner was appointed on 12.03.1984 and hence, the petitioner is senior to him and she was continuing in the said post with a fond hope that she would be considered for aided vacancy, but that request has not been considered till today. She was not paid salary but separate attendance registers were maintained for English Medium and Telugu Medium and deliberately the institution authorities were avoiding classes to her. She has been attending the school everyday but no salary is being paid to her and no classes are given to her. Her services are not terminated so far. If there is no work, the administration can transfer her to some other school and pay salary, but they are not doing the same. There are vacancies in the school and there is also work load to justify her continuance and for payment of salary. Since her junior Ishak Ahmed is admitted to grant-in-aid and continuing, the petitioner is also eligible to be admitted in grant-in-aid post. Hence, the Writ Petition.

4. The respondents opposed the Writ Petition and submitted that the petitioner was appointed as Hindi Pandit Grade II with effect from 12.03.1984 and her appointment has been approved in unaided post by proceedings R.C.No.C2/3279/94, dt. 6.12.1995 as she was possessing the requisite qualification at the time of appointment. The respondents contended that as per G.O.Rt.No.86, dt. 20.01.1982, the Government has

recognized the Mysore Hindi Sikshak Examination Certificate issued by the Mysore Secondary Education Board, Bangalore, as an alternate qualification for appointment to the post of Grade-II in Andhra Pradesh. In the Audit Report communicated by the Director of School Education, A.P., Hyderabad, in Proceedings R.C.No.156/SA/95, dt. 24.03.1995, it is mentioned that the petitioner is not qualified to the post of Grade-I Hindi Pandit. Hence, the contention of the petitioner that Sri Ishak Ahmed is junior to her and he cannot be given Grade-I Hindi Pandit post is untenable and incorrect. He was appointed as Grade-I Pandit and the same was approved vide Proceedings R.C.No.C2/3279/94, Dt.6.12.1995 of D.E.O, Mahaboobnagar. It is not true to say that the said Ishak Ahmed is junior to the petitioner. He was appointed on 1.10.1985 as Grade-I Hindi Pandit and he was absorbed in the aided post of Grade-I Hindi Pandit, as per G.O.Ms.No.398, Edn, dt. 31.10.1994 and the same was approved vide Proceedings RC.No.C2/3279/94, dt. 6.12.1995 of DEO Mahaboobnagar. The petitioner was working in English Medium Primary Society, which was closed in the year 1998-1999 due to uneconomical strength and due to lack of funds to maintain the teachers. The petitioner was paid salary upto March, 1999 by the Management. Accordingly, she was informed and also to the higher authorities. Due to closure of English Medium Section,

she was informed that there is no provision for her to work and also no provision for payment of salary. In G.O.Ms.No.398, Education, Dt. 31.10.1994, posts were sanctioned for Telugu Medium. In the said sanctioned post, Sri Ishak Ahmed, who is approved candidate in the unaided post of Grade-I Hindi Pandit has been considered. As such, at present there are no vacant posts of Grade-II Hindi Pandit. However, if any post is sanctioned for Grade-II Hindi Pandit, her candidature will be considered for appointment in later date. Hence, the respondents prayed to dismiss the Writ Petition.

5. Heard arguments of Sri P. B. Vijay Kumar and learned counsel for Government Pleader for respondent School.

6. It is the contention of the petitioner that though she was having requisite qualification to be appointed as Grade-I Hindi Pandi, still her candidature was not considered and her junior was given Grade-I and he was also accommodated in aided post contrary to the procedure. Since 1999 she was not provided any work or salary though she was regularly attending the school. However, the contention of the respondents is otherwise. As can be seen from the Counter as per G.O.Rt.No.86, dt. 20.01.1982, the Government has recognized the Mysore Hindi Sikshak Examination Certificate issued by the Mysore Secondary Education Board, Bangalore, as an alternate qualification for appointment to the post of

Grade-II Hindi Pandit in Andhra Pradesh, but not for Grade-I Hindi Pandit. As such, it is preposterous to contend that the petitioner is eligible for Grade-I Post and she should be absorbed in the aided post. Further, the petitioner was aged 48 years by the time the Writ Petition was filed in the year 2001. By now she must have attained superannuation. On that count also, cause is not survived for her.

7. In these circumstances, this Writ Petition is dismissed. No costs. As a sequel, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

U. DURGA PRASAD RAO, J

Date: 04.02.2016
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