

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.19843 of 2013

ORDER

This writ petition is filed seeking to direct respondents 1 to 4 to absorb the petitioner in the aided vacancy of Secondary Grade Assistant in the 5th respondent-School.

It is the case of the petitioner that he obtained degree in Bachelor of Arts in the year 1989 and B.Ed., in the year 1991. He is fully qualified and eligible to hold the post of Secondary Grade Assistant. He was selected by a duly constituted committee as per G.O.Ms.No.1, dated 1.1.1994. The 4th respondent approved his appointment *vide* proceedings dated 19.6.1997. After obtaining approval, he joined the duty on 23.06.1997. Since then, he has been working as Secondary Grade Assistant in the 5th respondent-school. The 5th respondent sent proposals to the 4th respondent on 2.12.2004 seeking ratification of his appointment. In spite of the same, no orders were passed. Hence, the present writ petition is filed.

Counter-affidavit is filed on behalf of all the official respondents stating that G.O.Ms.No.1, dated 1.1.1994 was issued to the effect that the surplus aided posts should be deployed to the needy schools

as per the subject requirements before filling up of the aided teaching and non-teaching posts. G.O.Ms.No.96, dated 4.12.2006 was issued withdrawing the orders granting permission to fill up the aided vacancy in private aided institution in G.O.Ms.No.75, dated 23.09.2002. The 5th respondent has not followed any procedure while filling up the posts. However, it is stated that as per the order of this Court in W.P.No.26554 of 2005 no employee of a school can directly approach the authority in Government for absorption/appointment against any vacancies and it is for the management to submit necessary proposals.

In the instant case, it is not disputed that the proposal was submitted by the Management seeking ratification of the appointment of the petitioner way back on 2.12.2004. Now, along with the counter-affidavit, proceedings of the 4th respondent dated 30.5.2012 rejecting the proposal, is enclosed.

In view of the same, no relief can be granted in the present writ petition. However, liberty is given to the petitioner to challenge the said proceedings.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

1st July, 2016
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