

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.15936 of 2016

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Date: 02.06.2016

Between:

The District Educational Officer,
Nalgonda, and two others

.. Petitioners

and

B. Sreelatha, D/o. Venkateswarlu,
SGT, UPS Nemalipuram,
Gudimalkapur (Post),
Mellacharvu Mandal,
Nalgonda District, and another.

.. Respondents

Counsel for the petitioners: G.P for Services (TS)

Counsel for respondent No.1 : P. Pasula Laxma Reddy

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The Court made the following:

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ORDER: *(Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The respondents in O.A.No.2838 of 2013 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal') filed this writ petition feeling aggrieved by order dated

12.03.2014 in the said O.A.

We have heard the learned Government Pleader for Services (TS) and Sri P. Pasula Laxma Reddy, who is appearing for caveator- respondent No.1.

Respondent No.1 applied for the post of Secondary Grade Teacher (SGT) under DSC-2008. Though she had superior merit, she was overlooked for selection and less meritorious candidates were appointed as SGTs. Feeling aggrieved by the same, respondent No.1 filed O.A.No.9472 of 2010 before the Tribunal. By its order dated 21.03.2011, the Tribunal allowed the said O.A by holding that denial of appointment to respondent No.1 is arbitrary as she was more meritorious than others who were appointed as SGTs. Accordingly, a direction was given to the petitioners to appoint respondent No.1 as SGT with all consequential benefits. The said order was unsuccessfully questioned by the petitioners both in this Court and also before the Supreme Court. After exhausting all the legal remedies, the petitioners have issued an appointment order in favour of respondent No.1 with as many as nine conditions. One of the said conditions was that the seniority of respondent No.1 shall be counted from the date of her joining the post. Feeling aggrieved by these conditions, respondent No.1 has filed O.A.No.2838 of 2013. After hearing both sides, the Tribunal has allowed the said O.A by holding that denial of seniority to respondent No.1 is arbitrary. Assailing the said order, the respondents in the O.A have filed this writ petition.

It is not in dispute that respondent No.1 was more meritorious. She was unduly overlooked for appointment as SGT while the persons who secured less marks in the selection in DSC-2008 were appointed. Therefore, the Tribunal has rightly allowed O.A.No.9472 of 2010 filed by respondent No.1 by declaring that she is entitled for all consequential benefits, which necessarily include

the notional seniority as well as increments from the date of appointment of other candidates. Since respondent No.1 was denied appointment when less meritorious candidates were appointed, it is wholly unjust to deny her the notional seniority and also the increments on par with less meritorious candidates who were appointed earlier than respondent No.1. Therefore, in our opinion, the Tribunal was wholly justified in granting the relief of notional seniority as well as the increments with actual monetary benefit from the date of her joining duty.

In this view of the matter, we do not find any merit in this writ petition and the same is accordingly dismissed.

As a sequel, WPMP.No.19713 of 2016, filed by the petitioners for interim relief stands disposed of as infructuous.

(C.V.NAGARJUNA REDDY, J)

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(G. SHYAM PRASAD, J)

Date: 02.06.2016

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