

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition Nos. 13774 of 2016 and 17718 of 2016

Common Order:

These two Writ Petitions are being disposed of by this common order as they relate to the petitioner in WP No.17718 of 2016.

2. The petitioner in WP No.17718 of 2016 (hereinafter called as "Junior Lecturer") was appointed by the petitioner in WP No.13774 of 2016 as Junior Lecturer in Hindi and she joined duty on 30.05.1994. The JLB Junior College for Girls, Repalle, Guntur District is an aided institution. She was admitted into grant-in-aid from the date of her joining on 30.05.1994 vide proceedings of the Director of Intermediate Education, Hyderabad, dated 15.12.1994. However, she was drafted to work "ON DUTY BASIS" to the office of the District Vocational Education Office, Guntur. Later on, she was again drafted to work "ON DUTY BASIS" from the office of the District Vocational Education Office, Guntur to B HH Junior College for Girls (Aided), Guntur, by proceedings dated 04.10.2006. Thereafter, the parent college filed a petition before the Government and the Government in its memo dated 05.07.2006 passed orders directing the Commissioner of Intermediate Education to issue modification orders retaining the Junior Lecturer in JLB Junior College for Girls, Repalle, Guntur District. But, the Commissioner of Intermediate Education passed orders on 04.10.2006 redeploying the said Junior Lecturer "ON DUTY BASIS" to BHH Junior College for Girls, Guntur, Guntur District. Thereafter, at the instance of the Junior Lecturer the Government issued a memo on 02.01.2007 cancelling the earlier orders dated 06.02.2006 and directing the Commissioner of Intermediate Education to implement the redeployment orders dated 04.10.2006. The Commissioner of Intermediate Education issued orders on 12.02.2007 directing the Junior Lecturer to continue in BHH (Girls) Junior College, Guntur, until further orders. Thereafter, the management of JLB Junior College for

Girls, Repalle, Guntur District, filed WP No.13774 of 2016 seeking implementation of the memo of the Government dated 05.06.2006 and the recommendations of the District Vocational Education Officer, Guntur, dated 05.02.2016, and this Court, by an order dated 22.04.2016 passed in WPMP No.17201 of 2016 in WP No.13774 of 2016, granted interim direction to consider the representations of the management of the College dated 24.07.2014, 11.01.2016 and 22.02.2016 seeking repatriation of the post of Junior Lecturer along with the person to the petitioner college in terms of memo of the Government dated 05.06.2006 and recommendation of the fourth respondent dated 05.02.2016. In pursuance of the said interim direction, when the Government issued orders on 25.05.2016, the Junior Lecturer challenged the same in WP No.17718 of 2016. These two matters are, thus, interconnected and being disposed of by this common order.

3. Learned counsel for the petitioner by placing reliance on a judgment of this Court in **Government of Andhra Pradesh v. K. Hanmi Reddy**^[1], submits that the sanction of grant-in-aid means admitting the post to grant-in-aid, but not to the individuals.

4. Learned Senior Counsel appearing for JLB Junior College for Girls, Repalle, Guntur District by placing reliance on G.O.Ms.No.890, Education Department, dated 02.08.1996, submits that the adjustment of surplus Lecturers/Junior Lecturers is on the basis of the strength and if they are shifted to other Colleges they shall be retransferred to their original college as and when the work load increases since the shifting is only a temporary measure.

5. A perusal of the recommendation of the District Vocational Education Officer (FAC), Guntur, dated 05.02.2016, makes the facts clear and it says that though there was no sufficient strength justifying the continuance of the Junior Lecturer in JLB Junior College during the

period 2006, but during the Academic Years 2013-14 to 2015-16 there is sufficient strength for accommodating the Junior Lecturer in that college which is her parent institution. The repatriation of the Junior Lecturer would also improve the admissions and would enable the college to run smoothly. The Government took the said recommendations into consideration and on the basis of G.O.Ms.No.890, Education Department, dated 02.08.1996, by taking into consideration the facts and circumstances of the case and also in view of appointment of the Junior Lecturer by the JLB Junior College for Girls, Repalle, Guntur District, an order was passed on 25.05.2016 directing the Correspondent, BHH Junior College (Aided), Guntur, to relieve the Junior Lecturer along with her original service register and directed the Correspondent of JLB Junior College (Aided), Repalle, Guntur District to admit the said Lecturer. Since the Junior Lecturer was appointed by the JLB Junior College for Girls, Repalle, Guntur District, and there is sufficient strength to accommodate her in the aided post, there is nothing wrong in passing the impugned order.

6. The decision relied on by the learned counsel for the petitioner in WP No.17718 of 2016 is not applicable in the facts and circumstances of the case. Admittedly, the Junior Lecturer was appointed by JLB Junior College for Girls, Repalle, Guntur District, and her post was admitted in grant-in-aid. There is sufficient justification for her continuation in the parent college.

7. In the circumstances, WP No.17718 of 2016 is dismissed and WP No.13774 of 2016 is allowed. There shall be no order as to costs.

8. As a sequel thereto, the miscellaneous applications, if any, pending in these Writ Petitions shall stand closed.

A.
Date: 24.08.2016
Nsr

RAMALINGESWARA RAO, J

[\[1\]](#) 2015(3) ALD 150