

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.984 of 2014

ORDER:

The petitioner states that he is a Sanskrit Pandit Grade-II. He possessed requisite qualification for appointment as Sanskrit Language Pandit, was selected by duly constituted selection committee and appointed as Grade-II Sanskrit Pandit in the existing vacancy vide proceedings, dated 13.09.1994, and as per the instructions, he joined the 5th respondent school. The appointment was approved by the 4th respondent from the date of his joining. He states that he is eligible and qualified for Sanskrit Pandit Grade-I. Since he is not promoted, but, completed 18 years of service, he was given special promotion post of 1B vide proceedings, dated 09.02.2013 and now he completed more than 20 years of service. There are two Grade-I Sanskrit Pandit posts in Grant-in-aid and petitioner states that they are vacant. Though the said posts were vacant, they could not be filled up due to ban in respect of Grant-in-aid posts. However, the 2nd respondent-Commissioner and Director of School Education issued orders on 03.12.2013 requesting the District Educational Officers to permit the management of the schools to fill up the vacant post of Sanskrit Language Pandits as per the procedure prescribed. The 4th respondent has issued consequential proceedings on 05.12.2013 requesting the concerned schools to submit the roster registers/records of the schools through Deputy Educational Officers in order to accord permission. Challenging the orders of the 2nd respondent, dated 03.12.2013, and that of the 4th respondent, dated 05.12.2013, the present Writ Petition is filed. In

the present writ petition a notification published in Andhra Jyothi Telugu Daily on 07.01.2014 is also challenged.

2. This Court by order, dated 21.01.2014, while admitting the Writ Petition directed respondents 2 to 5 to consider the case of the petitioner for promotion to the post of Grade-I Sanskrit Pandit, after taking further steps for direct recruitment pursuant to the publication of notification on 07.01.2014, and if the petitioner is not fit for promotion or the post is not meant for promotees. Seeking vacation of the said order, W.V.M.P.No.587 of 2014 is filed by the Government and alleging non implementation of the order, C.C.No.273 of 2014 is filed by the petitioner.

3. The correspondent of the school addressed a letter to the District Educational Officer in December, 2013 seeking permission to fill up two existing Sanskrit Pandit Grade-I posts by way of promotion. But, the request of the management for effecting promotion to Grade-I Sanskrit Pandit was rejected by the District Educational Officer vide proceedings, dated 15.02.2014, for want of vacancy and since the other vacancy is meant for direct recruitment.

4. Now, learned counsel for the petitioner submits that another Sanskrit Pandit Grade-II, who is entitled to be promoted as Grade-I Sanskrit Pandit, retired in the month of April, 2014 and the petitioner is the only candidate, who is senior and eligible to be considered for Grade-I Sanskrit Pandit.

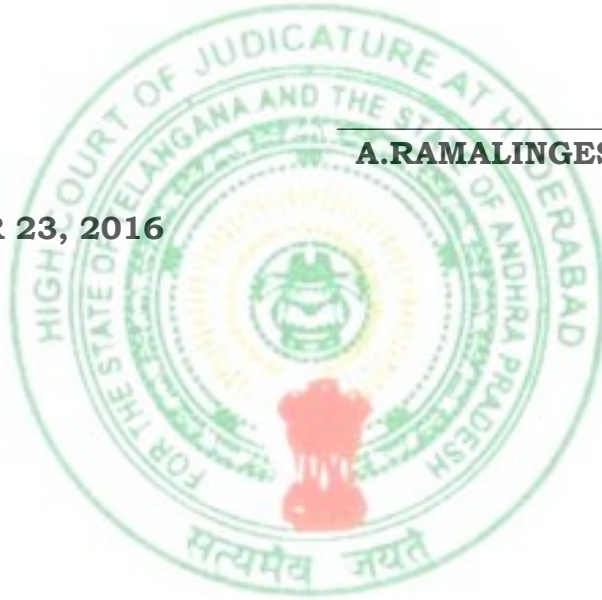
5. In view of the facts and circumstances of the case, though the other post can be filled up by way of direct recruitment, in view

of subsequent circumstances, the 5th respondent is directed to submit an appropriate proposal to the 4th respondent for taking further action within a period of four (04) weeks from the date of receipt of a copy of this order and on receipt of such proposal, the 4th respondent shall pass appropriate orders, in accordance with law, within a period of eight (08) weeks thereafter.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

SEPTEMBER 23, 2016
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A.RAMALINGESWARA RAO, J



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Date: 23.09.2016

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