

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1601 OF 2010

DATED : 29.09.2016

Between :

V. Manjula Rani W/o.Mohan Babu,
Working as Senior Assistant,
ANR College, Gudivada,
Krishna District.

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Petitioner

and

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
High Education Department,
(CE-II-(I) Dept), Secretariat, Hyderabad & 3 others.

Respondents



This court made the following :

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ORDER :

This writ petition is filed challenging the memo dated 26.12.2007 of the Government communicated by the Commissioner and Director, Collegiate Education, vide his proceedings dated 18.02.2008. By the said memo, the request of the petitioner to grant promotion as Junior Lecturer in private aided college was rejected.

2. Petitioner was appointed as Record Assistant in A.N.R. College, Gudivada, in the year 1988. Later he was promoted as Junior Assistant on 27.01.2000, subsequently as Senior Assistant. Petitioner claimed to have passed her Master of Arts in Telugu in the year 2003-2004. Based on the qualification acquired by her, she claimed to be eligible for promotion as Junior Lecturer. In support of her claim, she placed reliance on the Government orders issued in G.O.Ms.No.203, Education Department, dated 18.06.1999. By the memo impugned, the claim of the petitioner was rejected.

3. Heard Sri C.Narender, learned counsel for the petitioner and learned Assistant Government pleader for Higher Education and Sri J.V.Prasad, learned counsel for the 4th respondent.

4. Learned counsel for the petitioner would submit that as petitioner has acquired eligibility by possessing the qualification prescribed to hold the post of Junior Lecturer, petitioner ought to have been considered for such appointment/promotion and not considering the same is illegal. According to the petitioner there

are vacancies available and the management of the 4th respondent College is willing to absorb the petitioner as Junior Lecturer in a vacancy which would likely to arise shortly. Since the management has consented for absorption, there is no justification to deny the claim of the petitioner, when she is otherwise eligible and qualified.

5. Learned Assistant Government Pleader, representing the Education Department, would submit that according to the order of the Government issued in G.O.Ms.NO.203 dated 18.06.1999, a ministerial employee is eligible for consideration for appointment as Junior Lecturer. Whereas the 4th respondent-College is a composite college and there is no post of Junior Lecturer in the said college. Thus, the order in G.O.Ms.No.203 is not applicable. He would further submit that even as per G.O.Ms.No.203 the priority is indicated. The first preference for such appointment would go to the School Assistants and in case the School Assistants are not available, then priority would go to SGBT Assistants, and if no such person is available, the ministerial employee can be considered and therefore submits that no exclusive right is vested in the petitioner to claim for such promotion/appointment by transfer, merely because she possessed requisite qualifications.

6. Para No.5 of the order would make it clear, as asserted by the learned Assistant Government Pleader, that an enabling provision is made to appoint the ministerial employees possessing requisite qualification as Junior Lecturers in the Junior Colleges under private management subject to possessing the requisite qualification. It is not in dispute that in the 4th respondent-

College, there is no post of Junior Lecturer. Thus, the claim for consideration of a ministerial employee would arise only if there is a post of Junior Lecturer and such consideration would be only if there is no School Assistants/SGBT Assistants available. Furthermore, there may be many other persons who are also similarly qualified. Thus, no exclusive priority can be assigned to the petitioner.

7. Learned counsel for the petitioner placed reliance on a recent correspondence given to her on behalf of the management expressing no objection to consider her for appointment in the vacancy in the cadre of Lecturer in Telugu arising on 31.12.2016 as a consequent to retirement of incumbent. The letter dated 28.06.2016 of the 4th respondent-College is taken on record and marked as Annexure-X.

8. A bare perusal of the letter dated 28.06.2016 would show that the incumbant is working as a lecturer. Whereas according to Government order in G.O.Ms.No.203, the channel created for ministerial employee to progress to the teaching cadre is at the level of Junior Lecturer only. Moreover, merely because the management consents for such appointment, cannot automatically vests right in the petitioner to seek such appointment when the Rules otherwise did not permit such appointment.

9. Therefore, I see no error in the decision communicated to the petitioner impugned in the writ petition. Hence, the writ petition deserves to be dismissed.

10. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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

29th September, 2016
Rds

P.NAVEEN RAO,J

