

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 526 of 2015

DATED 21st JUNE, 2016

BETWEEN

E.Shanker

....Petitioner

And

The State of Telangana,
Revenue (Endowments) Department,
Rep. by its Principal Secretary,
State of Telangana, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 526 of 2015

ORDER:

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The petitioner was appointed as Work Inspector in the third respondent-Devasthanam on 21.08.1987. While working in the third respondent-Temple, he was sent on deputation to work in Kondagattu Devasthanam in the year 2003. It appears that while he was working as Assistant Engineer, the fourth respondent who was working as NMR employee in the third respondent-Temple was promoted as Work Inspector on 15.5.1992 without undergoing any selection process. Thereafter, he (fourth respondent) was promoted as Assistant Engineer on 26.01.1999. The petitioner is admittedly senior to the fourth respondent. The petitioner claims that he should be promoted as Deputy Engineer. However, the third respondent promoted the fourth respondent as Deputy Engineer vide proceedings dated 24.09.2008 while the petitioner was working on deputation at Kondagattu Devasthanam. The

said order was challenged in Writ Petition No. 22726 of 2012 and the same is pending adjudication. The petitioner came to know that the fourth respondent submitted an unrecognized degree certificate before the authorities and claimed promotion. The petitioner states that as per the circular of the University Grants Commission dated 23.08.2005, the University which has issued degree certificate was not recognized. The petitioner states that he is not aggrieved for not being promoted as Deputy Engineer in the present Writ Petition, but the fake qualification possessed by the fourth respondent should be enquired into. The second respondent by proceedings dated 31.01.2014 and 3.9.2014 sought for a report from the third respondent and when no report was submitted, the petitioner filed the present Writ Petition challenging the inaction of official respondents in not promoting him as Deputy Engineer.

The third respondent filed a counter affidavit stating that the petitioner did not pass Endowments Department Test Papers I and II which are pre requisite qualifications for promotion. It is stated that there were three Assistant Engineers working in the establishment of the Devasthanam and the fourth respondent is one among them. The qualifications possessed by the petitioner and two others are as follows

Sl.No.	Name	Qualifications
1.	Petitioner (Sri E.Shankar)	1. L.C.E. (Civil) 2. Accounts Test for P.W.D. Officers & Subordinates.
2.	Sri T.Rameswar Rao (2 nd AE)	1.L.C.E. (Civil) 2. Endowments Department Test Paper-I 3. Accounts Test for P.W.D. Officer & Subordinate

3.	4 th respondent (Sri M.Raghunandan)	1.L.C.E. (Civil) 2. B.E. Degree 3. Endowments Department Test Paper-I 4.Endowments Department Test Paper-II 5. Accounts Test for PWD Officers & subordinate.
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Since the fourth respondent was qualified for being promoted to the post of Deputy Engineer as provided under Rules 33 and 39 of Service Rules of the Temples' employees issued in G.O.Ms.No. 888, Revenue (Endowments) Department dated 08.12.2000, he was given promotion. It was also stated that the memo of marks issued by the University which were produced by the fourth respondent make it clear that the University was established under Section 3 of the UGC Act 1956. The petitioner filed Writ Petition No. 22726 of 2012 four years after promoting the fourth respondent. When the petitioner was asked to furnish the details of passing the departmental tests on 4.3.2014, the petitioner furnished two documents on 7.3.2014. Those two documents were produced after promoting the fourth respondent. On the complaint made by one Sri Sunil, the second respondent in due consideration of the reports submitted by the Deputy Commissioner, Endowments, issued instructions on 22.11.2014 to the third respondent to address the Vice Chancellor of the University to know the genuineness of the certificate produced by the fourth respondent and accordingly the third respondent addressed the University on 20.12.2014 requesting to verify the genuineness of the certificate produced by the fourth respondent and submit a report. It is further stated that after receiving the report from the University, appropriate action would be taken in

the matter.

The fourth respondent also filed a separate counter affidavit stating that the Writ Petitioner is not qualified to be promoted as Deputy Engineer. It is stated that the petitioner has not passed the required departmental tests and that Gandhi Vidhya Mandair, Sardharshahr, Rajasthan is a deemed University for the purpose of UGC Act and he obtained a degree from the said University. He states that the degree obtained by him is a recognized degree. He further states that even otherwise also, he is entitled to be promoted as Deputy Engineer by virtue of experience gained by him in the feeder category of Assistant Engineer and in view of passing the departmental tests much before the petitioner. It is further stated that the petitioner filed Writ Petition for a direction to take suitable action on the so called representations filed by some third party. It is also stated that the Endowments Department promoted number of persons who obtained degree from IASE.

After arguing the matter for some time, the learned Senior Counsel appearing for the petitioner submits that the petitioner is not pressing for issue of promotion and it would be suffice if appropriate action is taken on the qualification obtained by the fourth respondent.

In view of the pendency of Writ Petition No.22726 of 2012 and in view of the averments made in the counter affidavit by the third respondent that appropriate action would be taken in the matter after getting necessary permission from the Commissioner, Endowments after receiving report from the Vice Chancellor of the University from which the fourth respondent obtained degree. This Court feels that the Writ Petition can be disposed of in

terms thereof. Inasmuch as the third respondent addressed letter on 20.12.2014 to the Vice Chancellor of the University from which the fourth respondent obtained degree, respondents 2 and 3 shall take necessary action after receiving clarification from the Vice Chancellor of the University. If clarification is not received, it is open to the second and third respondents to address the University Grants Commissioner and obtain necessary information as expeditiously as possible.

In view of the averments made in the counter affidavit by the third respondent, this Writ Petition is disposed of with a direction to the second respondent to take appropriate action on the certificate/s submitted by the fourth respondent after receiving the report from the concerned authorities as stated supra and after giving opportunity to the fourth respondent. This exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A.RAMALINGESWARA RAO

DATED 21st JUNE, 2016.
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