

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.30707 of 2015**

**ORDER:**

Heard the learned counsel for petitioner, the learned Government Pleader for Social Welfare (AP) for first respondent and the learned Standing Counsel for second respondent.

2. The petitioner is having degree in M.Sc., B.Ed., and M.Phil and is presently working as Trained Graduate Teacher in the school of the second respondent Society at Konam Village, Madugula Mandal, Visakhapatnam District. She was appointed after due selection of process. Her services were regularized with effect from 01.10.2007. A seniority list was prepared by the second respondent on 08.11.2013 and her name stands at serial No.7. She is eligible to be considered for promotion to the post of Post Graduate Teacher (PGT). While she was working as Special Officer at Pusapatirega, certain allegations were leveled against her and an enquiry was conducted. Pursuant to the enquiry, the second respondent, by his proceedings dated 18.03.2015, imposed the penalty of stoppage of one annual grade increment with cumulative effect on the petitioner. Challenging the same, the petitioner preferred an appeal to the appellate authority who modified the said punishment by stoppage of one annual grade increment without cumulative effect, by order dated 29.08.2015. Though the respondents made promotions on 28.05.2015 to the post of PGT based on the seniority list dated 08.11.2003, the case of the petitioner was not considered and her juniors were promoted. On enquiry, the petitioner came to know that her case was not considered because of the punishment imposed. The present writ petition is filed seeking a direction to the respondents to consider her case for promotion to the post of PGT.

3. A counter-affidavit is filed stating that the punishment against the

petitioner will expire by March, 2016. As per G.O.Ms.No.342, General Administration (Ser.C) Department, dated 04.08.1997, the case of the petitioner was not considered for promotion to the post of PGT and the said punishment was in subsistence during the period of promotions. It is also stated in the counter that the promotion to the post of PGT is not only based on seniority, but also by implementing the Rule of Reservation.

4. The above facts make it clear that now the punishment imposed against the petitioner expired in March, 2016. The petitioner states that she possesses all the requisite qualifications for being considered to the post of PGT.

5. In the circumstances, the writ petition is allowed by directing the respondents to consider the case of the petitioner for promotion to the post of PGT as per the rules in vogue and pass appropriate orders, if there are vacancies, within a period of three months from the date of receipt of a copy of this order.

7. The writ petition is, accordingly, allowed. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

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**A.RAMALINGESWARA RAO, J**

Date: 02.08.2016

TJMR