

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

* * * *

WRIT PETITION No.11784 OF 2016

Between:

The State of Andhra Pradesh, rep. by its
Principal Secretary, Higher Education Department,
Secretariat, Hyderabad
and others.

.. Petitioners

And

Sri K. Venkata Ramana and another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 21-04-2016

SUBMITTED FOR APPROVAL:

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

C.V.NAGARJUNA REDDY,J

M.S.K.JAISWAL,J

***THE HONOURABLE SRI JUSTICE C.V.NAGARJUNA REDDY**
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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VERSUS

\$ Sri K.Venkata Ramana and another.

... Respondents

! Counsel for Petitioners: Government Pleader for Services (A.P)

^Counsel for Respondent No.1: Mr. C.Srinivas Baba

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Counsel for the Petitioners: Government Pleader for Services (A.P)

Counsel for the Respondent No.1: Sri C.Srinivas Baba

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This Court made the following:

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ORDER: *(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This writ petition arises out of order dated 09.02.2015 in O.A.No.3455 of 2012 with VMA.No.1271 of 2012 and VMA.No.66 of 2015 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal').

Respondent No.1 was initially appointed as Physical Director by direct recruitment on 10.09.1986 in Government Junior College. On 24.10.1998, he was promoted as Physical Director/Lecturer of Degree College and posted in Zone-IV. He was due to retire on attaining the age of superannuation on 30.04.2012. As respondent No.1 was not allowed U.G.C. scale in terms of G.O.Ms.No.61 Higher Education (HE) Department, dated 16.07.2001, (for short 'G.O.Ms.No.61'), he has approached the Tribunal by filing the above-mentioned O.A. By the impugned order, the Tribunal has allowed the said O.A by holding that as per para 7 of G.O.Ms.No.61, respondent No.1 is entitled to U.G.C. scale.

After hearing the learned Government Pleader for Services (A.P) and Sri C. Srinivas Baba, learned counsel for respondent No.1, the point that needs to be adjudicated is whether the Tribunal went wrong in interpreting G.O.Ms.No.61. The core part of G.O.Ms.No.61 lies in paragraphs 6 and 7 thereof, which read as under:

“Accordingly, Government hereby direct that the Junior Lecturers/ Physical Directors / Librarians who were appointed prior to 1.1.1986 in Government Junior Colleges and promoted as Lecturers / Physical Directors/ Librarians in Government Degree College after 1.1.1986 be exempted from passing National Eligibility Test / State Level Eligibility Test and they may be allowed University Grants Commission pay scales.

Government also direct that the Lecturers who were appointed by Direct Recruitment after 1.1.1986 and existing Physical Directors / Lecturers who are drawing the State (scale) also be exempted from passing the National Eligibility Test / State Level Commission Scales (State Level Eligibility Test). However, all the future recruitments will be subject to passing of National Eligibility Test / State Level Eligibility Test.”

On a careful analysis of the above two reproduced paras, it is clearly evident that para 6 deals with the Junior Lecturers/Physical Directors/Librarians appointed prior to 01.01.1986 in Government Junior Colleges and promoted as Lecturers/Physical Directors/Librarians in Government Degree Colleges after 01.01.1986. The employees who fall in this category are exempted from passing National Eligibility Test/ State Level Eligibility Test and are allowed University Grants Commission pay scales. Paragraph 7 deals with yet another category, namely, Lecturers who were appointed by direct recruitment after 01.01.1986 and also existing Physical Directors/Lecturers who were drawing the State scale. They are also exempted from passing the National Eligibility Test/State Level Eligibility Test for being paid UGC scales.

The learned Government Pleader wanted us to interpret para 7 as applicable to only the Lecturers and the Physical Directors who were directly recruited as such in Degree Colleges after 01.01.1986. We are afraid we cannot accept this interpretation proposed by the learned Government Pleader. If the Government intended that the Physical Directors are also to be directly recruited in Degree Colleges like Lecturers, the words “and existing Physical Directors/Lecturers” deployed in the 2nd line of para 7 would be redundant and instead

para 7 would have read as “the Government also direct that the Lecturers and Physical Directors/Lecturers”. In other words, para 7 has created two different categories for being exempted from passing National Eligibility Test/ State Level Eligibility Test i.e., Lecturers who are directly recruited in Degree Colleges after 01.01.1986 and also Physical Directors/Lecturers who may have been promoted and drawing the State scale as on 16.07.2001 i.e., the date on which G.O.Ms.No.61 was issued. Admittedly, respondent No.1 was promoted as Physical Director/Lecturer on 24.10.1998 and was working as on 16.07.2001 and drawing State scale. Therefore, the Tribunal has correctly interpreted G.O.Ms.No.61 and granted relief to Respondent No.1. Hence, we do not find any illegality in the order of the Tribunal warranting our interference.

The Writ Petition is, accordingly, dismissed. As a sequel to the dismissal of the writ petition, WPMP.No.14817 of 2016 filed by the petitioners for interim relief stands disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

M.S.K.JAISWAL,J

21.04.2016

v v

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