

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

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND SIXTEEN
(21.04.2016)

PRESENT
THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.13578 of 2016

Between:

Thota Venkateswarlu

..... PETITIONER

AND

District Educational Officer,
SPSR Nellore District,
Nellore and 2 others

.....RESPONDENTS

Counsel for the Petitioner : **Sri P.V.KRISHNAIAH**

Counsel for Respondents : **G.P.FOR SERVICES (AP)**

The Court made the following:

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

WRIT PETITION No.13578 of 2016

JUDGMENT: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner, a School Assistant (English-Telugu Medium), presently working in ZPPHS, Chintalapalem of Gattupalli village, Jaladanki Mandal, SPSR Nellore District, approached the Andhra Pradesh Administrative Tribunal, Hyderabad (for short "the Tribunal") by way of filing of O.A.No.5488 of 2015 on apprehension that the authorities concerned may take into consideration the results in SSC for the academic year 2014-15, instead of the results of 2013-14 as during the former mentioned academic year there were no students in SSC, in the subject he has taught for awarding entitlement points in the counseling for transfers.

In the light of the above said grievance, the Tribunal has granted an interim direction to the respondents to consider the grievance of the petitioner for awarding entitlement points. Apprehending that the respondents may effect transfer without implementing the order of the Tribunal, the petitioner filed W.P.No.34225 of 2015. A Division Bench of this Court entertained the writ petition and granted an interim order to the effect that the order of transfer, if any passed against the petitioner, shall not be given any effect to. Emboldened by the entertainment of the said writ petition, the petitioner has again invoked the jurisdiction of this court by filing the present writ petition.

In our opinion, the whole approach of the petitioner in instituting the litigation is not in accordance with the established procedure. Having obtained the interim order from the Tribunal, the petitioner had no reason to file W.P.No.34225 of 2015 straight away without filing a contempt petition before the Tribunal. The petitioner is also not entitled to file the present writ petition against his not being allowed to continue as School Assistant as this Court does not have original jurisdiction to entertain the grievance of the petitioner, more so, when his O.A. is still pending before the Tribunal. Therefore, we are of the opinion that appropriate remedy for the petitioner is to initiate contempt proceedings against the respondents for non-implementation of the order in O.A.No.5488 of 2015.

Accordingly, this writ petition is dismissed, with liberty to the petitioner, in terms of the above observations. No order as to costs.

As a sequel to dismissal of the Writ Petition, WPMP No.16961 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

M.S.K.JAISWAL,J

Date: 21.04.2016

Dsr