

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 26325 of 2000

ORDER:

The writ petition is filed seeking writ of certiorari, calling for the records relating to and connected with the Memo No.48456/Ser.V(A1)/ 2000, dated 19.12.2000, issued by the Respondent-University, quash or set aside the same as arbitrary and illegal, and consequently for direction to promote the petitioner as Superintendent, with effect from 03.06.1999.

2. Heard Sri J.Pardha Saradhi, representing Sri M. Patna Reddy, counsel for the Petitioner and the Standing Counsel for the Respondent-University.

3. The case of the petitioner is that he is working as a Senior Assistant and he could not pass the Accounts Test for Subordinate Officers, and since he has crossed the age of 45 years, he should be extended the benefit of G.O.Ms.No.165, G.A. (Ser.C) Department, dated 22.04.1997, and his case should be considered for the promotion as Superintendent. Further, earlier the petitioner had filed W.P.No.22480 of 2000 seeking a direction to the Respondent University to consider his case for promotion as Superintendent on par with his Juniors and this Court vide Orders dated 21.11.2000 was pleased to dispose of the same at the admission stage, directing the Respondent University to consider the case of the petitioner, as per his representation dated 20.07.2000 and pass appropriate orders keeping in view the judgment of this Court in W.P.No.26310 of 1998, dated 23.10.1998 and the Resolution passed

by the University dated 11.12.1998 and G.O.Ms.No.165, dated 22.4.1997, within a period of four weeks from that date. However, the Respondent University had considered the case of the petitioner, but rejected his case vide impugned Orders dated 19.12.2000, stating that the petitioner was initially appointed as Typist, later converted as LDC, and in due course promoted as Senior Assistant, even though he did not pass the departmental test prescribed, as per the G.O.Ms.No.165, dated 22.04.1997, and further stating that an employee is entitled only one time exemption of passing the Departmental Test prescribed, and since the petitioner was already promoted as Senior Assistant, he is not entitled for further promotion as Superintendent, without passing the Departmental Test prescribed.

4. The Respondent University filed its counter stating that the University has rightly rejected the further promotion to the petitioner as Superintendent, in terms of G.O.Ms.No.165, dated 22.4.1997, as the said G.O., is applicable only in respect of such of those employees, whose cases can be considered only as one time measure, but not for subsequent promotions.

5. I have perused the material on record, and after hearing both the learned counsel, I feel that the petitioner is not entitled for second time exemption from departmental tests for promotion as Superintendent, in view of G.O.Ms.No.165, dated 22.04.1997. Therefore, by the impugned orders, the case of the petitioner was rightly rejected by the University. Hence, the writ petition fails and is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

Abhinand Kumar Shavili, J

November 27, 2017
Kv



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