

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.456 of 2010

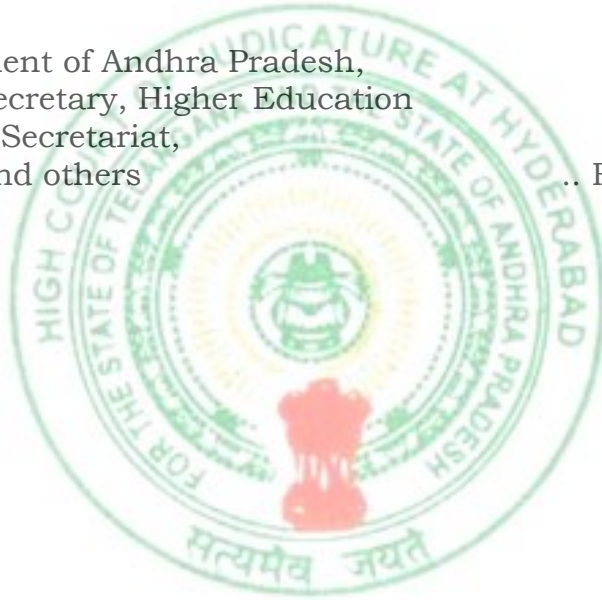
Dated:14.02.2017

Between:

Mrs. Naseem Ara Qureshi Alias Naseem
Khan, W/o. Abdul Kreem Khan, aged
About 50 years, Occ: Lecturer in
Political Science, Anwar-ul-uloom College,
Mallepally, Hyderabad, R/o.4-3-632,
Behind S.D. Hall, Ramkote, Hyderabad .. Petitioner

And

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



The Court made the following:

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ORDER:

The petitioner joined in an unaided post as Lecturer in the 3rd respondent - College in Political Science Department in the year 1990. As a consequence to demise of existing lecturer working against aided post in the year 1994, the petitioner continued in the said post. The petitioner is claiming appointment against the aided post. It appears that the college also submitted proposals for appointing the petitioner against the aided post, but the same is pending for quite a long time. Alleging inaction on the part of the authorities in considering the petitioner's claim against the aided post, this Writ Petition is filed praying for a direction to approve and admit the petitioner to the post of lecturer in grant-in-aid post in political science.

2. Heard learned counsel for the petitioner, learned Government Pleader for Higher Education and Sri B. Nalin Kumar, learned Standing Counsel for the 3rd respondent - College.

3. Learned counsel for the petitioner submits that as the petitioner is well-qualified and working against the grant-in-aid post since the year 1990, there was no justification for not appointing him in grant-in-aid post and on account of delay in appointing him to grant-in-aid post, grave prejudice is caused to the petitioner.

4. It is not in dispute that the proposals are submitted to the Government for consideration of the entitlement of the petitioner and appointment to the grant-in-aid post. Though an

objection was raised on the manner in which the petitioner was originally appointed against unaided post, in view of the directions issued by this Court in other Writ Petitions on the same issue, the objection no more survives and on that ground, rejection of the claim of a person for appointment against grant-in-aid post does not arise.

5. However, on account of subsequent developments as narrated by the respondents in their counter affidavit and as contended by Sri B. Nalin Kumar, learned counsel for the 3rd respondent - College, and the learned Assistant Government Pleader, the relief as sought for cannot be granted in this Writ Petition.

6. It is the categorical assertion of the 3rd respondent - College that the petitioner discontinued the service in January, 2013 and has not been attending to work and therefore the petitioner is deemed to have left the service. Further, because of lack of proper response from the students, the college itself stopped admitting the students and process is set in motion for closing the college and no admissions were made for the academic year 2015-16 and it is at the stage of finalization regarding the issue of permanent closure of the college and therefore the college no more requires the academic staff. He further submits that all the lecturers working against the aided posts retired from service and there is no teaching staff as of now working in the aided posts in the college.

7. W.P.M.P.No.6300 of 2017 is filed by the petitioner to absorb her into grant-in-aid post and along with the said petition,

she has enclosed a photocopy of handwritten letter dated 07.02.2017 addressed to the 3rd respondent - College. In that letter, the petitioner admitted the fact that since 2013, the petitioner is not attending to work.

8. Having regard to the fact that the petitioner is not working since January, 2013 and the college itself is not functioning and no students are admitted for the academic year 2015-16, the question of giving a direction to the respondents to appoint the petitioner against the grant-in-aid post would not arise. Merely because consequential steps to close the institution are not taken so far, a direction to the respondents to appoint the petitioner against the grant-in-aid post cannot be granted. A person working against unaided post can claim consideration for appointment against the aided post and such consideration can be only by the process of selection and after a formal order is passed, the person is treated to have been appointed. But, that process of consideration for appointment against the aided post was not taken up and the petitioner was not appointed before the college was closed. Since the college is now closed, no direction can be issued in favour of the petitioner. Hence, the relief as sought for in the Writ Petition cannot be granted to the petitioner and the Writ Petition is liable to be dismissed.

9. The Writ Petition is accordingly dismissed. It is needless to observe that if the petitioner has any service grievance *vis-a-vis* the management of the 3rd respondent, the petitioner has to work out her remedies as available in law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:14.02.2017

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