

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.28044 of 2017

ORDER:

The petitioner's case is that the third respondent is a Christian Minority Society running various educational institutions. She joined as B.Ed., Assistant on 01.04.1991 in one of the schools run by the third respondent. Subsequently, she was promoted as Head Mistress on 27.11.2006 as per the seniority and posted to Lutheran High School for Girls at Rentachintala, in the existing vacancy. Since the said post was not approved, she states that she was continuing as Head Mistress In-charge. Later on, she was transferred to Iowa Girls High School, Repalle, Guntur District, on 30.07.2014 in the existing vacancy caused by transfer of the fourth respondent to Lutheran Aided Upper Primary School, Tenali. But, the fourth respondent was not relieved from Iowa School, as a result of which, the petitioner is not permitted to join at Iowa Girls High School, Repalle, as Head Mistress. In those circumstances, she filed the present Writ Petition.

2. Respondents 1 to 4 filed counter-affidavits. In the counter-affidavit filed by respondents 1 and 2, it is stated that the third respondent addressed a letter to the second respondent seeking permission to re-instate the petitioner as School Assistant in Iowa Girls High School, Repalle, as the school in Lutheran Girls High School, Rentachintala, was closed. The said permission was sought as the petitioner was placed under suspension due to her involvement in a criminal case and her subsequent acquittal by the competent Court on 05.07.2016. Based on the said request of the third respondent, the second respondent sought a report from the

Deputy Educational Officer, Sattenapalli, who submitted a report on 01.09.2016. On the basis of said report, the second respondent addressed a letter to the Regional Joint Director of School Education, Guntur, to revoke the order of suspension of the petitioner and in pursuance thereof, proceedings were issued by the Regional Joint Director of School Education on 19.09.2016 permitting the management to revoke the order of suspension. The consequential proceedings were also issued by the Deputy Educational Officer on 24.09.2016 stating that Lutheran Girls High School, Rentachintala, was closed for the year 2016-2017 due to Zero enrollment and the petitioner was allotted temporarily to Z.P.H.S., wherein the petitioner joined duty on 24.09.2016.

3. It is further stated in the counter-affidavit that though the petitioner was transferred to Iowa Girls High School, Repalle, by the third respondent in the place of fourth respondent by proceedings, dated 12.07.2014, the same was not approved by the second respondent. It is also stated that as per the report of the Deputy Educational Officer, Bapatla, there is a provision of nine School Assistants in Iowa Girls High School, Repalle, and there was a requirement either for School Assistant in Physical Science or School Assistant in English. The petitioner is a School Assistant in Biological Science and there is no such requirement in Iowa Girls High School. The fourth respondent was promoted as Head Mistress as per her seniority on 04.09.2017 and the same was approved. Thus, as on today, sufficient staff is in existence in Iowa Girls High School, Repalle, and there is no vacancy of Head Mistress in the said school, since it was filled up by the fourth respondent. It is also stated that the fourth respondent is senior

as per the seniority list submitted by the school management and her promotion as Head Mistress was also approved by the Regional Joint Director of School Education, Guntur, on 01.9.2017.

4. Having regard to the facts, it is clear that the petitioner is working as School Assistant in Biological Science and fourth respondent is senior to her. Though the third respondent passed an order on 12.07.2014, posting the petitioner in Iowa Girls High School, Repalle, as Head Mistress, the same was not approved by the competent authority. On the other hand, as per the seniority list submitted by the third respondent, the fourth respondent is found to be senior and she was posted to Iowa Girls High School as Head Mistress and the same was approved by the Regional Joint Director of School Education, Guntur, on 01.09.2017.

5. In view of the above facts, the relief sought for by the petitioner cannot be granted and the writ petition is accordingly, dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

DECEMBER 18, 2017

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO



WRIT PETITION No.28044 of 2017

Date: 18.12.2017

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