

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.2280 of 2006

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners against the respondents having been aggrieved of the inaction of the respondents 1 to 3 in considering the petitioners' cases for promotion to the post of Coordinator in the available vacancies as per Rules without insisting upon Post Graduate qualification as provided in the Draft Service Rules pending approval with the Government.

2. I have heard the submissions of *Sri M.Surender Rao*, learned counsel appearing for the petitioners, and of *Sri A.K.Jayaprakash Rao*, learned Standing Counsel for TTD representing the 2nd respondent.

3. Learned counsel for the petitioners fairly submits that the second petitioner retired from service on superannuation and, therefore, insofar as the said petitioner, the cause in the writ petition does not survive for adjudication.

4. At the hearing, learned counsel for the petitioners and learned Standing Counsel would submit that as per the draft Service Rules, which are pending for approval with the Government, one of the required qualifications is a degree in Post Graduation. Learned counsel for the petitioners would further submit that except for the said qualification, the first petitioner is eligible in all other respects for promotion to the post of Coordinator and that he is shortly retiring from service. The said submissions are not disputed by the learned Standing Counsel.

5. Learned counsel for the petitioners would also submit that the first petitioner's grievance would be redressed if a direction is given to the respondents 1 to 3 to consider his case for promotion without reference to the Post Graduate qualification in case the draft service rules are not approved by the Government as on today. It is also stated that unofficial respondents 4 and 5 are now not holding the post of Coordinators as they have been reverted subsequent to the filing of the writ petition.

6. Learned Standing Counsel endorsed the said alternate submission made by the learned counsel for the petitioners for considering the case of the first petitioner for promotion.

7. Having regard to the submissions, the Writ Petition insofar as the second petitioner is concerned is dismissed as infructuous; however, the Writ Petition insofar as the first petitioner is concerned, is disposed of with a direction to the respondents 1 to 3 to consider the case of the first petitioner for promotion to the post of Coordinator in the existing vacancies without insisting for Post Graduate qualification provided the draft service rules, which require such qualification, are not yet approved by the Government. Respondents 1 to 3 are directed to complete this exercise as expeditiously as possible preferably within four weeks from the date of receipt of a copy of this order.

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

JUSTICE M. SEETHARAMA MURTI

March 14, 2017

Note:

Furnish copy by 17.03.2017.

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LMV