

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.17476, 17477, 17527, 17538 of 2013,
31225 of 2015 & 1014 of 2016

COMMON ORDER

All these writ petitions are being disposed of by this common order as they arise out of the same cause of action.

WP Nos.17476, 17477, 17527 and 17538 of 2013 are filed by the petitioners challenging the proceedings of respondents 1 and 2 in declining to entertain the appeals preferred by them under Section 80 of the AP Education Act, 1982 (for short 'the Act') against the orders of transfer filed by them.

W.P.Nos.31225 of 2015 and 1014 of 2016 were filed seeking a direction to pay the revised pay scales as fixed by the Government including the allowances.

The case of the petitioners is that they were working as Lab Assistants attached to the Electrical Engineering Department of 4th respondent-College. The petitioner in W.P.No.17476 of 2013 is the General Secretary of the Joint Action Committee, which was agitating for implementation of pay scales. The grievance of the petitioners is that in order to punish them, the management transferred them from the Engineering College to the High School run by the same management as Lab Supervisors. Their plea is that the transfer

amounts to reduction in their rank. Challenging the orders of transfer, the petitioners filed an appeal before the 2nd respondent, who did not entertain the same. When the petitioners approached the 1st respondent, the order of the 2nd respondent was confirmed.

It is consented by the learned counsel on either side that the competent authority has jurisdiction to resolve such a dispute under Section 80 of the Act and it is for the authority to take a decision on merits.

Though the learned Government Pleader submits that Section 80 of the Act is not applicable to the un-aided private minority engineering college, a reading of the provision makes it clear that no such exemption would be discerned either from the said provision or from the decision rendered by the Apex Court in *T.M.A. Pai Foundation v. State of Karnataka and others*¹

The dispute with regard to the application of proper pay scales to the petitioners also falls within the jurisdiction of the competent authority, which can pass appropriate orders in exercise of the powers conferred under Section 80 of the Act.

In view of the consensus expressed by both the contesting counsel, these writ petitions are disposed of giving liberty to the

¹ (2002) 8 SCC 481

petitioners to submit a comprehensive appeal to the competent authority within 15 days from the date of receipt of a copy of this order under Section 80 of the Act with regard to their grievance and the competent authority shall consider and dispose of the same after observing principles of natural justice within a period of three months from the date filing of the appeal.

Accordingly, all the writ petitions are disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

24th August, 2017
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