

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION (TR) No.324 OF 2017

DATED : 27.07.2017

Between :

Dr.A.Kavitha D/o.Vidyasagar Reddy,
Age : 31 yrs, Asst. Professor in Govt. Dental College,
& Hospital, Afzalgunj, Hyderabad,
R/o.Plot No.79, Chaitanyanagar,
Phase-III, Opp : Chaitanya Kalasala,
B.N.Reddy Nagar, Hyderabad -79

.. Petitioner/Applicant

And

The State of Andhra Pradesh,
Rep., by the Principal Secretary,
Health, Medical and Family Welfare (A2) Dept.,
Secretariat, Hyderabad & others.

.. Respondents



This court made the following :

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ORDER :

Petitioner was appointed as Assistant Professor of Conservative Dentistry on 06.01.2012 on contract basis for a period of one year. In the normal course contract period was to expire on 05.01.2013. Petitioner made a request for continuation of her contract service, for further period of one year. Her request was forwarded by the Principal, Government Dental College and Hospital, Hyderabad by letter dated 01.11.2012. While so, Dr.H.Vidyadara Lakshmi, (4th respondent) herein who was earlier working as Dental Assistant Surgeon, Nizamabad District, surrendered to the Director of Medical Education. Consequently, the Director of Medical Education posted her as Assistant Professor in Government Dental College & Hospital, Hyderabad in the place of Dr.Shailaja. After joining of the 4th respondent petitioner was discharged from her service and was asked to relieve by handing over charge to the 4th respondent. The orders by which she was discharged from service are challenged before the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal'), in O.A.No.1441 of 2017 which is transferred to this Court.

2. Heard, Sri Kiran Kumar Balla for Sri K.R.Prabahakar, learned counsel for the petitioner and Sri C.V.Bhaskar Reddy, learned Government Pleader for Services –II.

3. Learned counsel for the petitioner submits that even before the tenure was completed, petitioner was illegally terminated to post 4th respondent; that 4th respondent was working as Dental Assistant Surgeon and was not qualified to be promoted but posted as Assistant Professor, therefore, posting 4th respondent is erroneous; the action of the respondent-authorities in terminating the contract of the petitioner even before the contract period was over, was only to accommodate the 4th respondent illegally. Learned counsel further submits that on account of termination of services of the petitioner, grave prejudice is caused to her, as she was not considered for regularization of her services, whereas Government of Telangana is considering all those contract employees for regular employment who are working by 02.06.2014.

4. As seen from the record, no interim direction was granted. Thus, the contract of petitioner which was made on 06.01.2012 came to an end on 22.12.2012, i.e., less than two weeks before actual completion of tenure.

5. Learned Government pleader produced the letter of Director of Medical Education dated 26.07.2017 addressed to him. The content of the letter discloses that the petitioner was later appointed as Associate Professor on 05.12.2015 on contract basis, for a period of one year and the said contract is renewed on 06.12.2016 and she continues to work in the said capacity.

6. It is not in dispute that the post of Associate Professor is higher than the post of Assistant Professor. The content of this letter makes it clear that though contract of the petitioner was

terminated in December, 2012 she was later inducted to higher post and in the said post she is presently working.

7. As also noticed from the record that the period of contract originally granted to the petitioner was to end on 05.01.2013., i.e., by virtue of the decision taken in December, 2012, petitioner lost only few days of service left for completion of the contract period. There is no automatic renewal of contract and the contract originally granted was only for one year. Each renewal is independent and merely because petitioner was continued up to December, it cannot be said that right vests in the petitioner seeking renewal as a matter of course after completion of the original tenure.

8. Having regard to these facts, and since there was no interim order operating in favour of the petitioner, and since her services were terminated just few days before the end of contract period, the Court is not inclined to entertain the writ petition and grant the relief as sought for, more particularly having regard to the fact that subsequently petitioner was appointed in higher post and in the said post she is working. If what is contended by learned counsel for the petitioner is accepted and if termination of service in the year 2012 is declared as illegal, it can result only in payment of compensation for the remaining period of contract and infact it may jeopardise subsequent appointment on contract basis to higher post.

9. With the above observations, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition
(Tr) shall stand closed.

27th July, 2017
Rds

P.NAVEEN RAO,J

