

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI

WRIT APPEAL No. 1429 OF 2017

DATED 21ST SEPTEMBER, 2017

Between:

Namburu Ramu and others ... Appellants

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Primary Education Department,
A.P, Secretariat Buildings, Velagapudi,
Guntur District, and others ... Respondents

Counsel for the appellants : Smt. Y.Anupama Devi

Counsel for respondent Nos. 1 to 4 : G.P. for Services (A.P.)

Counsel for respondent No. 5 : Sri Y.V.Anil Kumar

THE COURT MADE THE FOLLOWING

JUDGMENT: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Feeling aggrieved by order dated 08-08-2017 in W.P.No. 26425 of 2017 of the learned single judge, the petitioners therein filed this Writ Appeal.

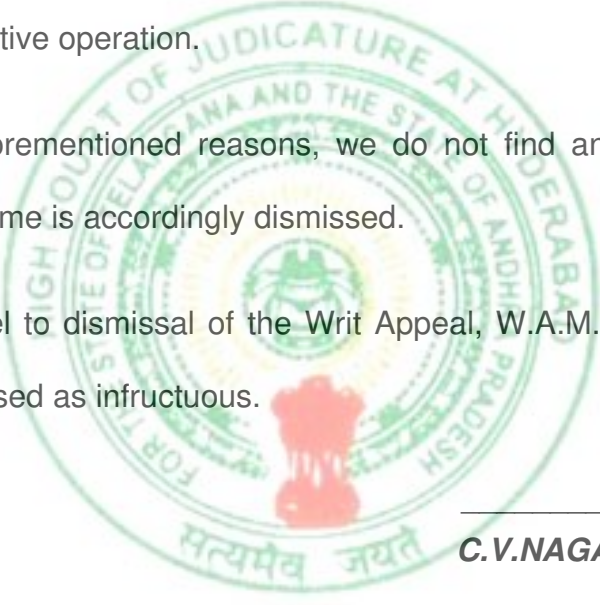
2. The undisputed facts in brief are that respondent No. 5, an aided educational institution, selected petitioner Nos. 1 and 2 as Secondary Grade Teachers and petitioner No. 3 as Language Pandit. As their selection has not received approval, the petitioners filed W.P.No. 26481 of 2009. The said Writ Petition was disposed of by this Court by order dated 21-08-2013 directing respondent Nos. 3 and 4 to consider approval of the petitioners' selection as Secondary Grade Teachers and Hindi Pandit respectively. Alleging willful disobedience of the said order, the petitioners filed C.C.No. 1771 of 2013. The contempt case was closed by order dated 20-01-2014 placing on record proceedings in Rc.No. Spl/Rjd/2013 dated 16-09-2013 of respondent No. 1, whereby it has rejected the proposal of respondent No. 5 to approve the selection on multiple grounds. The petitioners have not questioned the said order, as a result of which the same has attained finality. However, three years later, they have chosen to file W.P.No. 26425 of 2017, substantially for the same prayer as sought in W.P.No. 26481 of 2009 with the only difference being addition of proceedings dated 20-07-2017 issued by respondent No. 2 lifting ban on filling up of posts to the prayer. The respondents raised an objection as to the maintainability of the second Writ Petition for the same relief which was sought in the previous Writ Petition. The learned single judge having upheld the said objection dismissed the Writ Petition.

3. The facts noted above would show that the petitioners were unsuccessful in the first round of litigation with the issue of proceedings dated 16-09-2013 by

respondent No. 1 rejecting the proposal of respondent No. 5 to approve their selection. As rightly observed by the learned single judge, having allowed the said proceedings to become final, the petitioners cannot file successive Writ Petitions on the ground that a fresh cause of action has arisen with the issue of proceedings dated 20-07-2017 lifting the ban on filling up of the posts. A perusal of the said proceedings shows that fresh guidelines were issued for effecting promotions by aided institutions. The claim of the petitioners was based on their selection made much prior to the issue of proceedings dated 20-07-2017. Therefore, they cannot claim any benefit under these later proceedings which only have prospective operation.

4. For the aforementioned reasons, we do not find any merit in this Writ Appeal and the same is accordingly dismissed.

5. As a sequel to dismissal of the Writ Appeal, W.A.M.P.No. 2670 of 2017 shall stand dismissed as infructuous.



C.V.NAGARJUNA REDDY, J.

K.VIJAYA LAKSHMI, J.

Date: 21-09-2017.

JSK