

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.27269 of 2005

ORDER:

Heard learned Government Pleader for Education. No representation on behalf of the petitioner and perused the records.

2. The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the action of respondent Nos.1 to 4 in not considering the case of the petitioner for promotion as Hindi Pandit Grade-I, inspite of the proposals dated 08.10.2003, 16.12.2004/ 10.03.2005, submitted by respondent No.5, as illegal and arbitrary.

3. The averments in the affidavit filed in support of the writ petition would show that the petitioner joined as Hindi Pandit Grade-II in the fifth respondent school on 01.07.1992. Since the petitioner's post was not absorbed into the aided vacancy, W.P.No.25116 of 1998 came to be filed, which was disposed of on 14.09.1998 in the following terms:

"Learned counsel on both sides submit that similar writ petition No.12136 of 1998 was disposed of by this Court on 29.04.1998 and requested the Court to dispose of this writ petition also on the same lines.

Accordingly, this writ petition is disposed of with the consent of the learned counsel for the petitioner and learned Government Pleader directing the respondents that the case of the petitioner for absorption into aided vacancy in the 5th respondent Keyes High School shall be considered and disposed of in accordance with G.O.Ms.No.301, dated 25.09.1997. However, until final decision is taken in the matter, the petitioner shall be permitted to continue in service and the post which is being held by her shall not be filled up by any outside candidate."

As the above order was not implemented, Contempt Case No.1159 of 2000 came to be filed before this Court. By an order dated 13.09.2001, this Court directed the respondents to consider the claim of the petitioner along with others with reference to Clause (c) of G.O.Ms.No.301, Education, dated 25.09.1997. When the matter was carried in appeal, this Court directed the respondents to pass orders on the subject within four weeks. Having regard to the same, the Commissioner and Director of School Education issued proceedings dated 11.04.2002 in Rc.No.1400/ 02-4/ 98, absorbing the petitioner into the aided post, with effect from 01.07.1998. Consequently proceedings came to be issued by the Regional Joint Director of School Education vide proceedings dated 12.04.2002. Subsequently, the petitioner became eligible for the promotion as Grade-I Hindi Pandit in respondent No.5 School with effect from the date of availability of the said vacancy. On 08.10.2003, respondent No.5, in its proposals referred to promotion of the petitioner to the Grade I post, in view of demise of one Mrs.Rajneeti Tiwari. The said proposals were submitted and forwarded to the District Education Officer, Hyderabad, from time to time, but the same was not considered. The inaction of District Education Officer in not considering the said proposal lead to filing of the present writ petition.

4. A counter came to be filed by the District Education Officer disputing the averments made in the affidavit filed in support of the writ petition. It is stated in the counter that the Government of Andhra Pradesh vide Memo No.12080/ COSE.A2/ 2004-4, dated 20.10.2004 imposed a general ban on creating new posts of Grant-in-Aid and that the existing vacancies would also not be filled up, except for the posts for which permission was specifically granted by the Government. It is stated that immediately after the general ban is lifted by the Government, the case of the petitioner would be considered for promotion.

5. By an order dated 22.12.2005, this Court while issuing notice before admission, directed respondent Nos.2, 3 and 4 to consider the proposal

submitted by respondent No.5 in the matter of promotion of the petitioner as Grade-I Hindi Pandit.

6. Today, when the matter is taken up for hearing, it has been brought to the notice of the Court that ban which was imposed by the Government was lifted in the year 2003, but, the case of the petitioner could not be considered as she retired from service.

7. Having regard to the above circumstances, I see no merit to entertain the writ petition and accordingly the writ petition is dismissed. There shall be no order as to costs.

8. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

27.02.2017
vnb



JUSTICE C. PRAVEEN KUMAR