

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SMT JUSTICE K.VIJAYA LAKSHMI

WRIT PETITION No.32468 of 2017

Date:22.9.2017

Between:

Viswanadhan,
S/o Govindaiah

..... Petitioner

And:

The State of A.P., repled by its
Principal Secretary, Education
Department, Guntur District
and three others.

....Respondents

Counsel for the petitioner: Ms. Latha Alapati

Counsel for the respondents: GP for Services (AP)

The Court made the following:

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

Feeling aggrieved by order, dated 27.4.2017, in Original Application No.3224 of 2014 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal'), the applicant therein filed this Writ Petition.

The petitioner has participated in the selection process pertaining to Secondary Grade Teacher, Telugu (untrained). He pleaded that his name was included in the revised selection list, dated 10.12.2002. However, he could not secure appointment. He filed O.A.No.1212 of 2003 for declaration that he is entitled for selection and appointment to the post of Secondary Grade Teacher, Telugu (untrained) in accordance with G.O.Ms.No.47, Social Welfare Department, dated 31.5.2000, read with Government memo No.42005/Ser.D/2002-2, General Administration Department, dated 18.9.2002. By order, dated 25.7.2005, the Tribunal dismissed the said O.A. on the reasoning that the Apex Court has struck down the Rules governed in G.O.Ms.No.47, dated 31.5.2000, and that, therefore, the relief claimed in the said O.A., based on such Rules, cannot be granted. The said order was allowed to become final. However, the petitioner claimed to have made representations in aises in 2009, 2011 and 2013. He has again approached the Tribunal by filing O.A.No.3224 of 2014 seeking to declare the

inaction of the respondents in issuing appointment order to him as Secondary Grade Teacher, Telugu (untrained) as per the revised selection list dated, 10.12.2002, as arbitrary. The respondents filed a counter-affidavit resisting the said O.A., wherein it was averred that the petitioner has filed O.A.No.3224 of 2014 for the same relief as was claimed by him in the earlier O.A., viz., O.A.No.3004 of 2003 and that the previous O.A. having been dismissed, the later O.A. is not maintainable. A further plea was also raised that mere selection does not confer an indefeasible right on the selected candidate and that, even if some of the vacancies remain unfilled in a recruitment year, the selected candidate cannot insist on his/her appointment against such vacancies. The respondents sought to derive support to their plea from the judgment of the Apex Court in *S.Renuka & Others Vs. State of Andhra Pradesh & another*¹.

Upon considering the respective pleas of the parties, the Tribunal held that after DSC-2002 recruitment, a number DSCs were conducted by carrying forward the unfilled vacancies to the next DSCs and that the petitioner having failed in his attempt to secure appointment with the dismissal of O.A.No.3004 of 2003, cannot be permitted to indulge in fresh litigation.

¹ AIR 2002 SC 1523

Having considered the facts of the case and the reasons assigned by the Tribunal in the impugned order for declining the relief to the petitioner with which we are satisfied, we do not find any merit in this Writ Petition and the same is, accordingly, dismissed.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE K.VIJAYA LAKSHMI

22nd September 2017

DR

