

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal No.116 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The appellant-writ petitioner is working in a Government school. She invoked the jurisdiction of this Court seeking a direction to the District Educational Officer, in view of the amendment to the earlier rule 11(b) of the A.P. State and Subordinate Service Rules, 1996. The learned Single Judge, by the order under appeal, relegated the appellant-writ petitioner to the remedy of invoking the jurisdiction of the A.P. Administrative Tribunal.

Sri P. Nagendra Reddy, learned counsel for the appellant, would rely on **Dr. G. Suryanarayana Murthy vs. Government of A.P. and others**¹, to contend that an order, similar thereto, be granted in the present writ petition also. Learned counsel would further contend that, in the said case, this Court had not relegated the petitioner to the remedy of approaching the Administrative Tribunal.

Learned Government Pleader for School Education would point out that, unlike in the present case where the appellant is working in a Government school, in **Dr. G. Suryanarayana Murthy**¹, the concerned school was an aided school and not a Government school.

The law declared by the Supreme Court, in **L. Chandra Kumar vs. Union of India**², requires the Government servant to invoke the jurisdiction of the Tribunal before approaching the High

¹ 2007 (1) ALD 751

² AIR 1997 SC 1125

Court under Article 226 of the Constitution of India. The order under appeal does not suffer from any infirmity, much less a patent illegality necessitating interference in an intra-Court appeal under Clause 15 of the Letters Patent. Needless to state that the order now passed by us would not preclude the appellant from approaching the A.P. Administrative Tribunal for redressal of her grievance.

The writ appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

27th January, 2017

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