

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 2805 of 2009

Order:

Heard learned counsel for the petitioners. None appeared for the respondents.

Learned counsel for the petitioners is permitted to amend the cause title in respect of respondents 1 and 2, since there is change in the address of the respondents 1 and 2 after bifurcation of the State.

The petitioners state that they were appointed as Record Assistants in the fourth respondent's School run by the fifth respondent on 01.08.1984 and 01.09.1984 respectively. Though the District Educational Officer, Kadapa sanctioned the said posts, he was not having the power to sanction. However, the action of the District Educational Officer was ratified by the proceedings of the Commissioner and Director of School Education, Andhra Pradesh, Hyderabad, dated 23.12.1996. In the meanwhile, the District Educational Officer, Kadapa sent proposals for absorption of the posts of the petitioners along with one post of Sewing Mistress for absorption to grant-in-aid to the second respondent on 20.06.1990, but the second respondent rejected the proposal. The third respondent again addressed to the second respondent on 08.02.1997 for absorption of the posts of the petitioners to grant-in-aid on par with Sewing Mistress post. When no orders were passed for several years, the petitioners were constrained to file W.P.No.6288 of 2000 and, when a representation was made that the Committee, which constituted to examine the request of the respondents 4 and 5 to admit the two posts of Record Assistants, held by the petitioners, into grant-in-aid, rejected the request, the petitioners withdrew the said Writ Petition on 10.12.2008 and

filed the present Writ Petition challenging G.O.Ms.No.2, Education (SE.PS) Department, dated 11.01.2005. The reason given in the order of rejection is as follows:

12	C.S.I. Aided High School, Cuddapah 2077/B4-1/03	R.As - Two	2 (Two)	a) Certain information has been called for vide Proc.Rc.No.2077/B4-1/03, dated 08.12.2004. No information despite notice and time given to the management. b) Ban on creation of new Grant-in-aid posts by Government and hence rejected.
----	---	------------	---------	--

Learned counsel for the petitioners submits that with respect to the objection (a) the management had already addressed a letter on 18.12.2004 to the Deputy Educational Officer, Kadapa and he should have placed the matter before the Committee. He further submits that regarding ban on creation of new grant-in-aid posts, this Court already held that such a ban is not applicable and the cases should be considered as per the eligibility.

In view of the same, the respondents 1 to 3 are directed to consider the case of the petitioners for absorption to the posts under grant-in-aid subject to the Rules, without having regard to the ban on creation of new grant-in-aid posts, within a period of three (3) months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 26.07.2017
Nsr