

HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION NO.21196 OF 2007

ORDER:

Aggrieved by the inaction of the respondent in considering the request of the petitioner for notional promotion as Superintendent from March, 2003, the present writ petition is filed.

2. Heard Sri Karnam Ramesh, learned counsel for the petitioner and Sri J.Ugra Narasimha, learned Standing Counsel for the respondent.

3. Learned counsel for the petitioner submits that the petitioner was appointed as Junior Assistant under Scheduled Caste category in Sri Venkateswara University, Tirupati, with effect from 02.05.1979. He was transferred from Tirupati to Sri Venkateswara P.G. Centre, Kurnool in the year 1983. During his tenure, Post Graduate Centre located at Kurnool was merged into Sri Krishnadevara University, consequent upon establishment of S.K. University. The merger had taken place in pursuance of G.O.Ms.No.288, dated 10.12.1993. Subsequent to merger, options were given to the employees of the P.G. Centre at Kurnool, and accordingly, he opted to go into service of S.K.University. He was promoted as Senior Assistant with effect from 22.05.1995.

4. Learned counsel for the petitioner further submits that the petitioner was denied promotion on the ground that his caste does not find in G.O. issued by the Government. He belongs to 'Valluvan' caste, which is classified as Scheduled Caste under relevant law. By the date of promotion, his caste was not included in the G.O. Therefore, he was denied promotion and his junior was given promotion for the post. The grievance of the petitioner is that subsequently, the G.O. was repealed.

Therefore, the petitioner is entitled for notional promotion from the date of promotion of his junior.

5. Learned counsel for the petitioner further submits that there was no fault on the part of the petitioner and his caste was not included by the Government in the Scheduled Caste category when G.O. was issued and it is a mistake of the Government and that is why he was deprived of the promotion. The petitioner should not suffer because of the inaction of the Government by not including his caste in the G.O., which deprived of his promotion. Therefore, the petitioner sought for notional promotion to him from the date of promotion given to his junior.

6. The caste of the petitioner was not included in the List of Scheduled Castes by the date of giving promotion to the junior of the petitioner. Subsequently, the petitioner's caste was included in the Scheduled Castes List. The anomaly cannot be rectified by invoking writ jurisdiction. The petitioner may approach the department for his remedy. The department may consider his request and may take appropriate action in the matter, as per the existing Rules and Regulations. Therefore, the petitioner is not entitled for any relief in this writ petition, and the writ petition is liable to be dismissed.

7. In the result, the writ petition is dismissed. No costs. Miscellaneous petitions pending, if any, shall stand closed.

Date: 18.04.2017
TJMR

GUDI SEVA SHYAM PRASAD, J