

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4096 OF 2001

ORDER

Heard Sri V.R.Avula, learned counsel appearing for the petitioner and learned Government Pleader for Higher Education appearing for the respondents.

This writ petition is filed seeking a Writ of Mandamus declaring the G.O.Rt.No.1260, dated 6.12.1999, issued by the 1st respondent as arbitrary and illegal, and a consequential relief to treat the petitioner's service with effect from 16.01.1989 only for the purpose of seniority.

It is the case of the petitioner that pursuant to an advertisement issued by the VRS & YRN College, Chirala, he applied and after undergoing regular selection process, he was appointed as a Lecturer on 16.01.1989; that thereafter, the post held by the petitioner was admitted into grant-in-aid *vide* G.O.Rt.No.736, dated 4.6.1999, wherein at para No.6, it was stated that for the purpose of seniority only, three individuals were admitted into grant-in-aid including the petitioner and that they were admitted into grant-in-aid from the date of their initial appointment and against the name of the petitioner also, it was shown as 16.1.1989; that the 1st respondent subsequently had issued G.O.Rt.No.1260, dated 06.12.1999

deleting para No.6 of G.O.Rt.No.736, dated 4.6.1999 and no reasons were assigned therein for such deletion. Hence, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that the impugned G.O.Rt.No.1260, dated 6.12.1999, issued by the 1st respondent is liable to be set aside and the seniority of the petitioner should be restored with effect from 16.1.1989.

Learned Government Pleader for Higher Education appearing for the respondents submits that no prejudice would be caused to the petitioner due to deletion of para 6 of G.O.Rt.No.736, dated 4.6.1999 and that seniority and other entries in the service register are to be maintained by V.R.S & Y.R.N College, but not the 1st respondent. Learned Government Pleader further submits that since the post held by the petitioner was admitted into grant in aid vide G.O.Rt.No.736, dated 4.6.1999, deletion of para 6 thereof, has no relevance in the context of admitting the post in grant in aid and that by such deletion of para 6, no prejudice would be caused to the petitioner.

I have considered the rival submissions made by the learned counsel on either side.

A perusal of G.O.Rt.No.736, dated 4.6.1999, it is made clear that only for the purpose of seniority, the date of the

petitioner is to be taken with effect from 16.1.1989, and deletion of para 6 would cause no prejudice to the petitioner herein as the petitioner is not taken into grant in aid with retrospective effect i.e., from the date of his initial appointment. Para 6 of G.O.Rt.No.736, dated 4.6.1999 deals with seniority. If seniority is extended to the petitioner, no prejudice is caused to anybody, more so to the official respondents herein.

In view of the same, the Writ Petition is allowed and the impugned G.O.Rt.No.1260, dated 6.12.1999 is set aside and the petitioner is entitled to count his seniority from 16.1.1989. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

22nd December, 2017
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