

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.18493 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the action of the 2nd respondent in issuing proceedings dated 16.5.2001, as illegal and arbitrary, and consequently, to declare that the petitioner is entitled to prorate pension and pay protection for the services rendered in Andhra Girls High School, Khammam for the period from 7.7.1964 to 11.7.1978.

2. Heard Sri M. Surendar Rao, learned Counsel for the petitioner and the learned Assistant Government Pleader for School Education.

3. It has been submitted by the learned Counsel for the petitioner that the petitioner was initially appointed in Andhra Girls High School at Khammam on 7.7.1964 and the post, which was held by the petitioner, was admitted to Grants-in-Aid and that the petitioner had submitted her resignation on 10.7.1978 in Andhra Girls High School with a view join in Ramachandra High School, Kothagudem, and her resignation was accepted on 11.7.1978 to enable her to join in Ramachandra High School, Kothagudem and that the post held by the petitioner in Ramachandra High School was also admitted to Grants-in-aid. Further, it has been submitted that the petitioner retired from service and after her retirement, she submitted an application to pay prorate pension for the service rendered by her in Andhra Girls High School for the period from 7.7.1964 to 11.7.1978 and that the 2nd respondent-Director of School Education vide orders dated 16.5.2001 rejected the application of the petitioner on the ground that since the petitioner resigned to the post held by her in Andhra

Girls High School on her own accord, she is not entitled for the prorated pension in such institution, and aggrieved by the said order, the petitioner filed this writ petition.

4. Except stating that the resignation submitted by the petitioner was accepted, the petitioner has neither filed the resignation application, dated 10.7.1978 nor filed its acceptance proceedings dated 11.7.1978. In the absence of the same and without knowing the terms of acceptance of the resignation submitted by the petitioner, this Court cannot adjudicate the matter on merits. Mere so, though a contention was raised by the official respondents that the petitioner submitted resignation on her own accord, consequent upon which, she is not entitled to her earlier service benefits, no rejoinder has been filed by the petitioner to rebut the same. The writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

5th December, 2017
Nn

(ABHINAND KUMAR SHAVILI, J)

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