

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.21821 of 2017

Date:22.8.2017

Between:

G.Shankar,

S/o Late G.Lakshmi

..... Petitioner

And:

The State of Telangana, repto by its
Principal Secretary, School Education
Department, Hyderabad and two others.

.....Respondents

Counsel for the petitioner: None appeared

Counsel for the respondents: GP for Services-I (TS)

The Court made the following:

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for the following substantive relief:

“... to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in not complying with the order, dated 25-08-2014, passed by the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, in OA No. 2597 of 2012 as arbitrary, illegal and violative of principles of natural justice and consequently, to direct the respondents to implement the said order of the Tribunal.”

At the hearing, there is no representation for the petitioner.

In the counter-affidavit filed by the Special Chief Secretary to Government, Education Department, Telangana, it is *inter alia* stated that in pursuance of the order, dated 25.8.2014, passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short ‘the Tribunal’) in O.A.No.2597 of 2012, the District Educational Officer, Hyderabad has passed a speaking order, vide Rc.No.2786/C2/2011, dated 31.10.2014, declining the request of the petitioner for compassionate appointment and also his claim to extend the pensionary benefits of his deceased mother. The said order reads as under:

“In view of Rule-(2) of G.O.(P).No.112, Finance & Planning (FW.PC.III) Department, dated 23.7.1997,

the services of late Smt G.Lakshmi, Part Time Farash, Government High School (Telugu), Golkonda Post, Hyderabad, were not regularised, without relaxation of rules by Government under Rules-31 and 32 of the Andhra Pradesh State and Sub-ordinate Service Rules, 1996, as she did not possess VII Class qualification as per Rules. Hence, the request of the petitioner for compassionate appointment and providing pensionary benefits of his late mother cannot be considered and hence, rejected.”

No reply-affidavit is filed by the petitioner denying the said averments.

With the passing of the afore-mentioned order by the District Educational Officer, Hyderabad, the order of the Tribunal, for enforcement of which the present Writ Petition is filed, stood complied with. Therefore, the prayer in this Writ Petition is wholly misconceived. If the petitioner felt aggrieved by the said order, the appropriate remedy for him is to question the same by availing the legal remedies available to him in law.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.26857 of 2017 is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE M.S.K.JAISWAL

22nd August 2017

DR