

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.7705 of 2011

Dated:10.07.2017

Between:

Thota Veera Venkata Satyanarayana, S/o. Late Thota
Veeva Venkata Rao, Aged about 50 years, Occu:
Lecturer in Fisheries, Sri Y.N. College, Narasapur – 534
275, West Godavari District and others.

..Petitioners

AND

The Commissioner of Collegiate Education, Nampally,
Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Pursuant to the selections made by respondents 1 and 2 on 15.12.1993, the 1st petitioner was appointed as Lecturer in Fisheries and the 2nd petitioner as Lecturer in Electronics in the 3rd respondent College. It is the claim of the petitioners that they have been working in the said posts continuously; their appointments were ratified by the management of the institution on 02.01.1994 and the 1st respondent approved their appointments with effect from 10.11.1995.

2. Grievance of the petitioners is that simultaneously eight others were selected as Junior Lecturers in the 3rd respondent College on 17.12.1993 and their posts were approved with effect from 08.06.1996. Claiming retrospective approval of their appointments from 17.12.1993, they instituted W.P.No.15993 of 2001 and the said claim was allowed by this Court following the earlier decision of this Court in W.P.No.16235 of 1999, wherein this Court directed to re-designate them as Lecturers with retrospective effect, from 17.12.1993. Petitioners alleged that even though they were appointed earlier and are similarly situated, the benefit of retrospective appointment was not extended to them and the same

amounts to arbitrary exercise of power and that the petitioners are also entitled to the similar benefit.

3. Petitioners seek prayer to direct respondents 1 and 2 to designate them as Lecturers with retrospective effect from 15.12.1993 following the earlier directions issued by this Court.

4. Government issued order in G.O.Ms.No.1072, dated 26.11.1976. In Clause (i) of the said G.O., Government seeks to integrate different categories of posts in affiliated colleges. According to this G.O., in a composite college, where there are different categories of Lecturers teaching at different levels, all should be merged into one category i.e., 'Lecturer' in the Revised Pay Scale of 700-1600.

5. In W.P.No.16235 of 1999 similar prayer was sought. The petitioners therein were working in A.V.N. College, Visakhapatnam, which was also a composite College like the 3rd respondent college herein. The petitioners therein claimed that there is no post of Junior Lecturer and there is only a post of Lecturer and persons appointed subsequent to them and juniors were appointed as Lecturers and therefore, sought direction to treat them as Lecturers from the date of their appointment. Directions were issued to re-designate the petitioners therein as Lecturers with retrospective effect from the dates of their original appointment. Following the said decision, the claim of petitioners in W.P.No.15993 of 2001

working in the 3rd respondent College was also allowed and similar directions were issued.

6. Learned Government Pleader as well as the learned Standing Counsel appearing for 3rd respondent College do not dispute that the petitioners herein are similarly situated to the petitioners in W.P.No.15993 of 2001 and are also entitled to the same benefit.

7. It is also not in dispute that the decision of this Court in W.P.No.15993 of 2001 was already implemented and the benefits were extended to the petitioners therein following the earlier decision of this Court in W.P.No.16235 of 1999.

8. Following the decisions in the above two writ petitions, this Writ Petition is allowed directing the respondents to treat the services of the petitioners as 'Lecturers' with retrospective effect from 15.12.1993 and to grant all consequential benefits flowing therefrom. Entire exercise shall be completed within a period of two (02) months from the date of receipt of a copy of this order.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date:10.07.2017
INL