

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.25888 OF 2003

ORDER:

The writ petitioner seeks a Writ of Mandamus declaring the action of the respondents in not admitting the petitioner into grant-in-aid post of Lecturer in English by extending the benefit of relaxing the Rules granted to similarly situated persons as illegal, arbitrary and violative of principles of Natural Justice and also violative of Articles 14, 16 and 21 of the Constitution of India, and consequently direct the respondents to admit the petitioner into grant-in-aid post of Lecturer in English with all consequential benefits.

The petitioner's case is that she was appointed as Lecturer in English on 31.10.1996 in the third respondent College and ever since she has been working with full workload in existing aided vacancy in the said college and she has been continuing as such till today without any break to the best of the satisfaction of the concerned authorities. Her further case is that the first respondent has admitted a number of part-time/ad hoc/un-aided Lecturers into grant-in-aid by formulating different guidelines and by issuing Government Orders from time to time. Further, the first respondent admitted a number of Lecturers into grant-in-aid, who had not been selected by any duly constituted Selection Committee and Lecturers, for whom no aided vacancies were available and Lecturers, who have not possessed the minimum 55% in Post Graduation by relaxing the relevant Rules and Government Orders. The petitioner further submits that she is eligible for admission into grant-in-aid as Lecturer in English as she has been working continuously with effect from 31.10.1996 and she made a representation to the respondents to consider her case and if necessary, by relaxing the required conditions as she is also similarly situated person like number of Lecturers in whose favour the respondents have relaxed

the selection procedure etc. Added to it, in the year 1999-2000, NCC Girls Wing (Senior Wing) was allotted to the third respondent college. The third respondent College gave an Undertaking Certificate that the petitioner would be absorbed as a Permanent Lecturer in English during the academic year 1999-2000 and on the basis of the said Certificate, she was appointed (commissioned) as Associate NCC Officer in Senior Wing in the third respondent college and she has been discharging duties as such, simultaneously as a Lecturer in English. However, till date, she was not admitted into grant-in-aid.

The petitioner further submitted by quoting the examples that some Lecturers were already admitted in grant-in-aid. She stated that Sri Perver Ahmed, Lecturer in Economics, S.B.S.Y.M.Degree College, Mydukur, Cuddapah District, was admitted into grant-in-aid in relaxation of the selection procedure as required under G.O.Ms.No.905, Edn., dated 21.09.1976 by the first respondent, vide G.O.Rt.No.201, Edn., dated 26.02.1998; Sri G.Viswanadha Rao, Junior Lecturer in Physics, C.R.Reddy College, Eluru, was admitted into grant-in-aid in relaxation of the requirement of 55% in Post Graduation vide G.O.Rt.No.935, Edn., dated 11.08.1999; R.Devaiah, Lecturer in History, NBT & NVC College, Narasaraopet, was admitted into grant-in-aid by regularizing his services by transferring him to some other Degree College as there was no existing aided vacancy in Narasaraopet College, vide G.O.Rt.No.573, Higher Education Department, dated 23.08.2000; Sri B.P.Naidu, Lecturer in Social Work, Kotikalapudi Govindrao Luthern College, Bhimavaram, was admitted into grant-in-aid though he was not selected by any duly constituted Selection Committee and though his appointment was without prior permission of the competent authority, vide G.O.Rt.No.980, Higher Education Department, dated 15.12.2000; and Dr R.V.Anuradha, Lecturer in English, Pragathi Maha Vidyalaya Degree College, Hyderabad, was

admitted into grant-in-aid in relaxation of the prescribed procedure as required under G.O.Ms.No.12, Edn., dated 10.01.1992, vide G.O.Rt.No.160, Higher Education Department, dated 16.02.2001, to quote a few. The petitioner, thus, prays to pass the order.

The third respondent, who is the Secretary and Correspondent of S.K.B.R.College, Amalapuram, filed counter affidavit, wherein he admitted that the petitioner was appointed as Part Time Lecturer (PTL) in English on 31.10.1996 and has been working as un-aided Lecturer in English till date on a scale of pay of Rs.3640-7580/-. It is further admitted that the petitioner has been working as NCC Officer of the NCC Girls Wing in the third respondent college since 1999 and she is the only candidate available in the college to work as Lady NCC Officer. It is further submitted that total aided workload in English Department is 218 hours and only 9 aided Lecturers are working at present and still two aided vacant posts are available, which requires appointment. One of the vacancies identified by CCE is Scheduled Tribe (Woman). The third respondent college has exhausted the selection procedure for 8 items and no candidate is available. Therefore, the third respondent approached the CCE to give permission to fill the post from other communities, but of no avail.

The third respondent further submitted in his counter affidavit that the petitioner has been working in existing aided vacant post since 1996 and put up 8 years of service in the third respondent college and she is fully qualified for the post of Lecturer and she is a second class M.A., in English. The State Higher Education Department have absorbed several un-aided Lecturers working in respective colleges in the existing aided vacancies without following the procedure of selection prescribed under G.O.Ms.No.12 of 1992 and the instances quoted by the petitioner in all such cases are correct. The third respondent, thus, finally submitted that the petitioner's case is a fit and genuine case to be regularized.

The respondents 1 and 2 have not filed counter affidavit.

Today, when the matter is taken up for hearing, there is no representation for respondents.

Heard learned counsel for the petitioner.

As could be seen from the petition averments and also the submissions of the learned counsel for the petitioner, which are in tune with the petition averments, and also the counter averments of the third respondent, this Court is of the considered view that the respondents 1 and 2 should be directed to pass appropriate orders at the earliest.

Accordingly, the respondents 1 and 2 are directed to consider the case of the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

13.11.2017
pln

U.DURGA PRASAD RAO, J

