

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.23307 of 2006

ORDER:

Heard both sides and perused the records.

2. The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the impugned proceedings Rc.No.B1/ 565/ 2006-2, dated 01.09.2006, issued by the respondent, wherein the petitioner was posted as Junior Lecturer (Telugu), as illegal and arbitrary.

3. The averments in the affidavit filed in support of the writ petition would show that the petitioner was appointed as Trained Graduate Teacher in Sanskrit on 24.09.1985 and later he was promoted as Post Graduate Teacher (Sanskrit) on 12.06.1992 and thereafter, he was promoted as Junior Lecturer (Sanskrit) during November, 1994. While the petitioner was working as Junior Lecturer (Sanskrit), the A.P.Tribal Welfare Residential Junior College (APTWRJC), Laltekidi, Utnoor, Adilabad District, he was surrendered to the first respondent vide proceedings dated 06.02.2006 and on the next day itself the petitioner was kept under suspension. Subsequently, a charge sheet came to be issued alleging certain procedural irregularities against the petitioner. It is the claim of the petitioner that after conducting formal enquiry, he was imposed with a penalty of stoppage of one increment without cumulative effect. Thereafter, vide proceedings dated 01.09.2006, he was posted as Junior Lecturer (Telugu) at A.P.Tribal Welfare Upgraded Residential Junior College (PTWURJC) (B), Chittedu, Nellore District. Aggrieved by the same, the present writ petition came to be filed requesting the respondent-authorities to post him as Junior Lecturer (Sanskrit) at any place instead of Junior Lecturer (Telugu).

4. It is to be noted that on 17.11.2006, this Court while issuing *rule nisi*, directed the respondents to post the petitioner to the subject in which he was originally appointed, pending further orders. The averments in the counter affidavit would show that the petitioner was subjected to enquiry by one Sri V.Ch.Veerabhadru, Joint Director (Planning), who was appointed as Inquiry Officer to inquire into the charges framed against the petitioner. Pursuant thereto, two charges came to be proved against the petitioner. Accordingly, the petitioner was reinstated into service and posted to APTWURJC, Chittedu, Nellore District as Junior Lecturer (Telugu) with a minor punishment of stoppage of one increment without cumulative effect. It is stated that the petitioner possessed post graduate degrees both in Telugu and Sanskrit subjects and that he possessed Master of Arts Degree in Telugu subject and hence the request of the petitioner for transfer to Nellore as Junior Lecturer in Sanskrit cannot be accepted.

5. Learned Counsel for the petitioner submits that since 2006, the petitioner has been working as Junior Lecturer in Sanskrit and hence transferring him to the post of Junior Lecturer in Telugu is against the statutory rules. It is also to be noted that though interim direction was granted in the year 2006, a counter affidavit to vacate the interim direction came to be filed only in the month of April, 2014. A perusal of the material on record would show that the petitioner was qualified to the teaching of Sanskrit only. The petitioner obtained Masters Degree in Sanskrit and his original appointment was as Junior Grade Teacher in Sanskrit and later got promoted as Post Graduate Teacher and Junior Lecturer in Sanskrit. Therefore, the question of teaching in Telugu over which he has no grip and expertise appears to be illegal and incorrect. Further, it is to be noted that while the petitioner was working as Junior

Lecturer (Sanskrit) at Utnoor, his students obtained 98%marks in Sanskrit, which itself indicates his proficiency in the subject of Sanskrit.

6. Having regard to the above circumstances and taking into consideration the experience of the petitioner in the subject of Sanskrit rather than in Telugu, the impugned proceedings Rc.No.B1/ 565/ 2006-2, dated 01.09.2006, to the extent of posting the petitioner to the post of Junior Lecturer (Telugu) at APTWURJC (B), Chittedu, Nellore District, is set aside.

7. Accordingly, the writ petition is allowed. There shall be no order as to costs.

8. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

23.01.2017
vnb

JUSTICE C. PRAVEEN KUMAR

