

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.11938 OF 2017

ORDER:

This writ petition was filed by the petitioner, who is working as Junior Lecturer, challenging the action of the respondents in not considering his case for promotion as Principal of Government Junior College, despite the Order of Andhra Pradesh Administrative Tribunal (the Tribunal, for brevity) in O.A.No.1557 of 2016, dated 22.04.2016. The Tribunal in its interim order, dated 22.04.2016, directed the consideration of the case of the petitioner herein for promotion to the post of Principal without reference to G.O.Ms.No.227, General Administration Department, dated 30.05.2014 in the ensuing promotion counselling. The Commissioner of Intermediate Education passed an order on 20.08.2016 rejecting the case of the petitioner on the ground that the Tribunal issued stay orders with regard to promotions to the post of Principal in O.A.No.6030 of 2013 and batch. The request of the incumbent for promotion to the post of Principal was stated to have been examined as per the rules at the time of convening DPC for the post of Principal but decision could not be taken in view of stay orders and would be examined as and when the Tribunal vacates the stay orders in the above O.As. But the Commissioner issued proceedings on 10.05.2013 promoting some Junior Lecturers as Principals and the case of the petitioner as well as one A.Ravindrachari was declined. The said Ravindrachari filed O.A.No.2149 of 2016 and when the Tribunal passed an Order on 15.09.2016, the Government filed W.P.No.5621 of 2017 and the same was dismissed by a Division Bench of this Court on 07.06.2017. The said Ravindrachari was given promotion by proceedings dated 10.11.2017. The learned counsel for the petitioner states that the petitioner herein stands on the same footing as that of Ravindrachari and the said Ravindrachari was shown at

Sl.No.23 in the order dated 10.05.2013 of the Commissioner, whereas the petitioner herein was shown at Sl.No.24 in the said Order. Learned counsel for the petitioner further submits that the order granted by the Tribunal, which resulted in denying the promotion to the petitioner, was vacated. In view of the same, there cannot be any impediment in considering the case of the petitioner for promotion on the same lines as that of the case of Ravindrachari, covered by O.A.No.2149 of 2016 of 2016, dated 15.9.2016, as confirmed by this Court in W.P.No.5621 of 2017, dated 07.06.2017.

It is submitted by the learned counsel for the petitioner that the petitioner is already selected by the DPC. If that is so, what remains is appointment. The petitioner shall be given appointment if he is already selected.

The writ petition is accordingly allowed. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed.

16.11.2017
pln

A.RAMALINGESWARA RAO, J