

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.6526 OF 2017

Dated:01.03.2017

Between:

K. Radha Rani, W/o. K. Anil Kumar,
Age 39 years, Occ: Hostel Welfare
Officer, Govt. B.C. Girls Hostel,
Jukkal (M), Nizamabad District

.. Petitioner

And

The District Collector (BCW),
Kama Reddy, Kama Reddy District
and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

Petitioner is a graduate and was appointed as Helper-cum-Watchman in B.C. Welfare Hostel on compassionate grounds. By proceedings dated 20.11.2010, she was temporarily promoted as Hostel Welfare Officer Grade – II. However, a condition was stipulated that she should acquire B.Ed., qualification within three years from the date of her promotion. Her grievance is that after six years of her promotion, without any prior notice and opportunity of hearing, she was reverted by order, dated 13.02.2017. Hence, the present Writ Petition.

2. The order of reversion is challenged on two grounds. Firstly, as a consequence of the establishment of new Districts by dividing the existing Districts, the District, by name, Kama Reddy, is formed and the present place of posting of the petitioner is within the purview of Kama Reddy District, whereas the order of reversion was passed by the District Collector, Nizamabad, the 1st respondent, who is not competent to pass such order, and therefore the same is liable to be set aside. Secondly, the order of reversion is not preceded by any notice and therefore it is in violation of Rules 23 and 25 of the Andhra Pradesh State and Subordinate Service Rules (for short, 'the Rules').

3. In support thereof, learned counsel for the petitioner has placed reliance on the decision of a Division Bench of this Court in **Y. Prakasham v. Dy. Inspector General of Registration and**

Stamps¹. He further contended that B.Ed., qualification is no more required in the sister departments i.e., Social Welfare and Tribal Welfare, as the relevant Rules are amended and B.Ed., qualification is deleted and therefore there is no requirement to acquire B.Ed., qualification. A similar amendment is proposed, but so far it is not amended. On account of delay in amending the Rule no injustice can be caused to the petitioner. He further submits that there is no necessity to acquire B.Ed., qualification to an in-service candidate. No institution is offering Bachelor Degree Course to study by a serving employee and therefore it is impossible to obtain the degree as required.

4. With reference to the first objection, learned Government Pleader for Services placed on record a copy of G.O.Ms.No.381, General Administration (SPF-MC) Department, dated 19.10.2016. According to the said G.O., as a consequence of establishment of new Districts, the existing employees are now provisionally allotted to the new Districts wherever necessary. However, till the entire establishment and cadres are finalised, the existing personnel, though provisionally assigned to work in other Districts, treated as belonging to the original district in which they were appointed/working before the establishment of new districts with reference to all service conditions. Kama Reddy District was earlier forming part of Nizamabad District and the petitioner belongs to Nizamabad District unit of Backward Class Welfare Department. In terms of the said G.O., the posting in Kama Reddy District is only provisional and her service conditions are continued to be

¹ 2000 (3) SLR 86 DB

regulated by the District Collector, Nizamabad. Therefore, on that ground the order of reversion cannot be said to be vitiated.

5. The order of promotion clearly indicates that it was temporary and petitioner is liable for reversion without prior notice and opportunity. The order also mandates the petitioner to acquire B.Ed., qualification. The condition imposed in the order is not challenged. Admittedly, the petitioner has not acquired B.Ed., qualification. Since promotion was temporary, even though the petitioner did not possess the qualification required to hold the post of Hostel Welfare Officer and in spite of granting sufficient time, she has not acquired the same. It was in terms of the condition imposed in the order of promotion that the present order of reversion is passed. Hence, I do not see any error in the decision arrived at in reverting the petitioner warranting interference, since promotion was temporary with the condition prescribed.

6. If there is no fulfilment of condition of promotion, it would automatically result in reversion. Rules 23 and 25 of the Rules have no application to the facts of the present case. I have carefully considered the decision of this Court in **Y. Prakasham** (supra). The facts as recorded in paragraph No.8 thereof would disclose that the employees therein were granted regular promotion. Therefore, the Court observed that without following the procedure as envisaged in Rules 23 and 25 of the Rules, no reversion can be affected. Thus, the said decision does not come to the aid of the petitioner.

7. If what is contended by petitioner is true that the Rules have to be amended deleting the qualification of B.Ed., in tune with the other Welfare Departments, she has to agitate her grievance independently. Admittedly, as per the Rules governing the service qualification prescribed is to pass B.Ed., and admittedly the petitioner does not have the said qualification. Therefore, I see no error in the order impugned in the Writ Petition warranting interference and is liable to be dismissed.

8. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:01.03.2017

KH

P. NAVEEN RAO, J

