

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.16780 of 2011

Date :20.11.2017

Between :

Sri Syed Moulali S/o Imam Saheb
38 yrs R/o Mattampalli village,
Huzurnagar mandal, Nalgonda

Petitioner

And

The Govt of A P
Rep by its Prl Secretary
Social Welfare Department,
Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

This writ petition is instituted challenging the proceedings dated 14.2.2011 wherein request of the petitioner to reinstate him into duty on par with other contract teachers was rejected on the ground that his contract was not renewed since he produced fake and bogus Hindi certificate of Hindi Prachar Sabha, Hyderabad and that he was not in contract service nor in the list of contract teachers sent to the Government which was compared by the petitioner to claim the same relief.

2. Heard Sri Kowturu Pawan Kumar, learned for petitioner, learned Government Pleader for Social Welfare (TG) for first respondent, Sri N.Bhupal Reddy for second respondent and Sri K.M.Mallikarjuna Rao for respondent No.5.

3. Petitioner was appointed on contractual basis as resident teacher in Hindi in the year 2001. This contract was renewed from year to year upto year 2006 and even for the academic year 2006-07 name of the petitioner was approved for renewal in the list of contract teachers for Zone VI. However, when petitioner went to report to the duty, he was not permitted to join alleging that certificates produced by him are not genuine. Aggrieved by the action of the respondent society in not permitting the petitioner to join duty, petitioner filed W.P. No. 23118 of 2006.

4. At the stage of hearing as the genuineness of the certificates relied upon by the petitioner was doubted, Court directed the Examination Secretary, Hindi Prachar Sabha to appear before the Court

and explain the matter. Accordingly, the then Examination Secretary Sri G.R Narasinga Rao appeared before the Court and stated that he did not issue the certificate produced by the petitioner nor he sent letters in the name of Hindi Prachar Sabha and that the letters are not genuine. In view of the categorical stand on behalf of the Hindi Prachar Sabha that they did not issue the certificate which was claimed by the petitioner to gain entry into service as resident teacher in Hindi, the Court was not inclined to grant relief of joining back to service and writ petition was dismissed on 15.7.2008.

5. Learned counsel for petitioner submits that aggrieved by the said decision of this Court, W.A.No. 1029 of 2010 is filed and the same is pending consideration by the Division Bench. Learned counsel sought to contend that similarly situated persons also submitted bogus certificates; their services were terminated but later, on sympathetic consideration by the then Hon'ble Chief Minister, they were continued in service and were given four years time to clear the requisite qualification and therefore petitioner is also entitled to similar benefit as extended to them.

6. In view of the earlier judgment of this Court, the question of re-entry [‘into service by the petitioner does not arise unless he succeeds in the pending writ appeal. Further more, as seen from the order impugned, the persons with whom petitioner is comparing are the persons in service when the proposals were muted to the Government for appointment on regular basis; only when their qualifications were scrutinized, certain bogus claims were identified and consequently when their services were sought to be terminated, the then Chief Minister came to their rescue. Admittedly, petitioner’s contract assignment was not renewed from the academic year 2006-07 and he is not in service as on date. Thus, relief of reinstatement into service, even assuming that the order impugned is not validly made and the same relief as granted to

others cannot be extended. The writ petition is liable to be dismissed and accordingly dismissed. However, it is made clear that in the event the petitioner succeeds in writ appeal No. 1029 of 2010, it is always open to the petitioner, subject to the orders that may be passed in the writ appeal to claim appropriate relief as warranted in the facts of the case. It is made clear that dismissal of this writ petition does not come in the way of petitioner seeking appropriate relief after disposal of the writ appeal. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE:20.11.2017
TVK

P NAVEEN RAO,J



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