

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26425 of 2017

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of respondents 3 & 4 in not approving the appointment of the petitioners as Secondary Grade Teachers and Hindi Pundit Grade-I and also not paying the salaries and other allowances attached to the posts, in which they are working in the 5th respondent schools, as illegal arbitrary and unconstitutional and consequently direct respondents 3 & 4 to approve the appointment of the petitioners as Secondary Grade Teachers and Hindi Pundit Grade-I with all consequential benefits from the date of initial appointment order in the 5th respondent's Schools as per proceedings of the 2nd respondent *vide* Rc.No.90/PS-1/2010-2, dated 20.07.2017.

2. Heard Smt. Y. Anupama Devi, learned counsel for the petitioners and the learned Government Pleader for Education for respondents 1 to 4 and perused the material available on record.

3. The case of the petitioners is that the 5th respondent invited applications for appointment to the posts of Secondary Grade Teachers and Hindi Pundit Grade-I from the suitable candidates through a paper publication. The petitioners have applied for the said posts along with others. Through the selection process, petitioners 1 & 2 were selected as Secondary Grade Teachers and the 3rd petitioner was selected as Hindi Pandit Grade-I. The petitioners joined duty on 25.09.2008. When the 5th respondent sought for approval of their appointments, the 3rd respondent rejected the same

on the ground that there is a ban for recruitment of aided Secondary Grade Teachers and that the petitioners could not have been selected in the aided vacancies of Secondary Grade Teachers and Hindi Pandit Grade-I. Aggrieved by the same, the petitioners filed W.P.No.26481 of 2009 before this Court, wherein this Court allowed the said writ petition *vide* order, dated 21.08.2013, directing respondents 3 & 4 therein to consider approving the appointment of petitioners therein as Secondary Grade Teachers and Hindi Pundit (Grade-I) in the 5th respondent schools. Since the said order passed by this Court in W.P.No.26481 of 2009 was not complied with, the petitioners have also filed Contempt Cast No.1771 of 2013, wherein this Court dismissed the said contempt case *vide* orders, dated 20.01.2014, by holding that the cause in the contempt case does not survive once the 1st respondent therein passed orders through proceedings Rc.No.Spl/Rjd/2013, dated 16.09.2013. Now the petitioners have filed the present writ petition with a similar prayer as in W.P.No.26481 of 2009 by including the proceedings issued by the 2nd respondent *vide* Rc.No.90/PS-I/2010-2, dated 20.07.2017.

4. Learned Assistant Government Pleader for Education for the respondents submitted that earlier W.P.No.26481 of 2009 was filed by the petitioners with a prayer to approve the appointment of the petitioners as Secondary Grade Teachers and Hindi Pundit Grade-I and this Court allowed the said writ petition with a direction to respondents therein to consider approving the appointment of petitioners therein and in pursuance of the same, the 3rd respondent has considered the case of the petitioners and passed rejection order through proceedings Rc.No.Spl/Rjd/2013, dated 16.09.2013. Now the present writ petition is filed by the petitioners with similar prayer

as in W.P.No.26481 of 2009 and by including the proceedings issued by the 2nd respondent *vide* Rc.No.90/PS-I/2010-2, dated 20.07.2017. Learned Assistant Government Pleader further submitted that when once the 3rd respondent has considered the case of the petitioners and passed rejection order through proceedings Rc.No.Spl/Rjd/2013, dated 16.09.2013, which has become final. Issuance of proceedings in Rc.No.90/PS-I/2010-2, dated 20.07.2017, issued by the 2nd respondent cannot be any ground to consider the case of the petitioners for approving the appointment of the petitioners as Secondary Grade Teachers and Hindi Pundit Grade-I in the 5th respondent schools, which was rejected on 16.09.2013.

5. On perusal of the material available on record, it is evident that the petitioners have not challenged the proceedings Rc.No.Spl/Rjd/2013, dated 16.09.2013, passed by the 3rd respondent and now the present writ petition is filed with almost similar prayer as in W.P.No.26481 of 2009 and by including the proceedings issued by the 2nd respondent in Rc.No.90/PS-I/2010-2, dated 20.07.2017, which is only a Memo withdrawing all the memos relating to ban on filling up of posts and also not accorded permission to promotions to all the eligible aided staff in all aided institutions. When once the rejection order through proceedings Rc.No.Spl/Rjd/2013, dated 16.09.2013, is passed by the 3rd respondent rejecting the proposal sent by the 5th respondent for approving the admissions of the petitioners and when the same has become final. The proceedings in Rc.No.90/PS-I/2010-2, dated 20.07.2017, issued by the 2nd respondent cannot be a ground to consider the case of the petitioners once again for approving the

proposals sent by the 5th respondent for appointment of the petitioners as Secondary Grade Teachers and Hindi Pundit Grade-I.

6. In view of the same, I am not inclined to entertain the writ petition and the same is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY, J

Date: 8th August, 2017

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