

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

WRIT APPEAL No.1717 OF 2017

Date:15.11.2017

Between:

Sayappa S/o.Narsappa,
Aged about 35 years, Occ: S.G.T.,
O/o.MPPS, Papireddynagar, Sherilingampally,
Mandal, Rangareddy District, T.S

...Petitioner

Vs.

The District Educational Officer,
Ranga Reddy, Ranga Reddy District
and others.

... Respondents

For Petitioner : M/s.Ch. Jaganatha Rao

For Respondents : G. P. for Education (TG)



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT APPEAL No.1717 OF 2017

JUDGMENT: (per V. Ramasubramanian, J)

Aggrieved by the refusal of the leaned single Judge to grant an *ex-parte* interim direction, the writ petitioner has come up with the above writ appeal.

2. Heard Mr. Ch. Jagannatha Rao, learned counsel for the petitioner.

3. The petitioner holds a degree in Biology, Zoology and Chemistry and a B.Ed. in English. He is now working as a Secondary Grade Teacher.

4. The petitioner wanted to pursue a Post Graduate Degree in English. Therefore, relying upon G.O.Ms.No.342 Social Welfare, dated 30.08.1977, the petitioner made an application for grant of permission to pursue a two year M.A. Degree in English with full pay and allowances. But, the said application was rejected on the ground that the qualification proposed to be acquired was not necessary for the petitioner to seek promotion to the next higher cadre in the subject of Bio-Science. Aggrieved by the said order, the appellant filed a writ petition.

5. In the writ petition, the prayer of the petitioner was to quash the letter of rejection and a consequential direction to the respondents to permit him to pursue M.A. (English). Pending writ petition, the appellant sought an interim direction to permit him to pursue M.A. Degree in English.

6. Finding that grant of the interim direction sought for, would virtually tantamount to allowing the writ petition, the learned Judge ordered notice in the writ petition. Contending that the issue is already covered by judgments of this Court and that therefore, this was a fit case for the grant of an *ex parte* interim direction, the writ petitioner has come up with the above writ appeal.

7. We have carefully considered the contentions. It is true that the intention behind G.O.Ms.No.342, dated 30.08.1977 is to encourage the students belonging to Scheduled Castes, to acquire higher qualifications with full pay and allowances, to enable them to accelerate promotional chances. But, in this case, the appellant has promotional chance even with the existing qualification. What the appellant wants is to pursue MA in English, so that he can also qualify for promotion to a post where he could teach English. The learned counsel for the appellant places heavy reliance upon the statutory rules which enables a person either with a Bachelors Degree in English or with a Post Graduate Degree in English to be appointed as School Assistant in English by the method of promotion from the post of Secondary Grade Teacher.

8. But, we do not know whether a Post Graduate Degree in English with a basic degree in a Science subject is acceptable to the respondent or not ?

9. The Rules are not clear on this aspect. Therefore, the learned Judge could not have granted an *ex parte* interim direction without hearing the other side. Hence, we find no justification to interfere with the action of the learned single Judge. It is open to the appellant to agitate before the learned single Judge that a Post Graduate Degree in English with basic Degree in a Science subject is also a sufficient qualification for promotion to the post of School Assistant (English).

10. With the above observations, the Writ Appeal is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

November 15, 2017
KTL

