

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 37225 of 2017

Order:

In spite of granting sufficient time, learned Government Pleader could not get proper instructions nor filed any counter affidavit and, hence, this Court is inclined to dispose of the Writ Petition on the basis of averments made in the affidavit filed in support of the Writ Petition after hearing the learned counsel for the parties.

The petitioner was initially appointed as Lecturer in Civil Engineering and he worked in various places and was promoted as Senior Lecturer. A Departmental Promotion Committee held its meeting on 28.08.2017 and the recommendations made by the Departmental Promotion Committee were accepted for inclusion in the Panel for adhoc promotion to the category of Head of Sections of Technical Education Department for the Panel Year 2016-2017 vide G.O.Ms.No.28, Higher Education (TE) Department, dated 31.08.2017. The petitioner was empanelled for promotion to the post of Head of Civil Engineering Section in the said GO. There were seven (7) vacancies of Heads of Civil Engineering Section. In order to fill up those vacancies, options were called for from the qualified candidates by proceedings dated 16.09.2017 and the petitioner's name figured at the top of the list. The options were called for from eleven (11) candidates. The petitioner exercised his option for posting in the following places.

- “1. Jawaharlal Nehru Government Polytechnic (JNGP), Ramanthapur.
2. Quli Qutepsha (Q.Q) Polytechnic, Hyderabad.
3. Deputy Secretary at State Board of Technical Education Training (SBTET)”

Instead of considering the said options, when the petitioner was posted to the Civil Engineering Department of Government Polytechnic, Suryapet, by G.O.Ms.No.31, Higher Education (TE) Department, dated 30.10.2017, the present Writ Petition is filed.

It is seen that the invitation for options is not an empty formality and when an opportunity was given to the petitioner to exercise his option, the same should have been considered by the competent authority. Now, it is stated that the petitioner has not joined the post pursuant to the order in G.O.Ms.No.31, Higher Education (TE) Department, dated 30.10.2017. Since the petitioner filed the present Writ Petition he might not have joined in the place of posting. This Court sees that the option exercised by the petitioner was not considered and he was posted elsewhere contrary to his option.

Hence, the impugned order to the extent of posting the petitioner at Government Polytechnic, Suryapet, is set aside and the matter is remanded to the first respondent for passing appropriate orders, after considering the option exercised by the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 05.12.2017
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