

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 PETITION No.38356 OF 2017

Date:15.11.2017

Between:

R. E. Dharmalingam S/o. Elumalai Mudali
aged about 62 years, Retired School Assistant,
Z.P. High School (Tamil), Challamambapuram,
B.K. Knadriga Mandal, Chittoor District.

...Petitioner

Vs.

The State of Andhra Pradesh,
Rep. by its Secretary,
Department of School Education,
Secretariat, Velagapudi, Guntur District.

... Respondents

For Petitioner : Sri L. J. Veera Reddy

For Respondents : G. P. for School Education (AP)



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.38356 OF 2017

JUDGMENT: (per V. Ramasubramanian, J)

Aggrieved by the dismissal of his application seeking notional promotion, a retired School Assistant has come up with the above writ petition.

2. Heard Mr. L. J. Veera Reddy, learned counsel for the petitioner.

3. The petitioner was appointed way back in the year 1987 as a School Assistant. Contending that he has secured several awards and had rendered meritorious service, the petitioner made a representation on 28.01.2009, seeking promotion to the post of Head Master. Since the representation was not considered, the petitioner filed O.A. No.4042 of 2009 on the file of the Tribunal. The Tribunal allowed the application on 12.03.2009, directing the respondents to pass orders on the petitioner's representation.

4. By proceedings dated 28.08.2009, the 4th respondent rejected the representation on the ground that seniority alone is the criteria as per G.O.Ms.No.10, dated 23.01.2009. But, contending that merit-cum-ability is the criteria in terms of G.O.Ms. No.15 Education dated 26.01.2009, the petitioner filed a second application in O.A No.11216 of 2009. The said application was disposed of by the Tribunal directing the respondents to consider the case of the petitioner along with others as per seniority and the eligibility, as and when DSC was conducted for promotion to the post of Head Master Grade-II. Again the representation was rejected on 12.03.2012, forcing the petitioner to file a departmental appeal. Thereafter, the petitioner filed a third round of

litigation in O.A. No.5849 of 2012. This application was also disposed of with a direction to pass orders on the representation. On the ground that the representation was not disposed of, the petitioner filed a contempt petition. During pendency of the contempt petition, an order of rejection was passed. Thereafter, a fourth application in O.A. No.1692 of 2014 was filed and the same has been dismissed forcing the petitioner to come up with the above writ petition.

5. Thus, in the past eight years, the petitioner has gone to the Tribunal with four applications. In the second application filed by him in O.A. No.11216 of 2009, all that the Tribunal did was only to direct the respondents to consider his case as per seniority and eligibility as and when DSC was conducted. This order has attained finality. Therefore, without challenging the said order the petitioner could not have filed subsequent applications contending that merit and ability should have been criterion.

6. The petitioner has retired about two years back. The rules do not admit the claim now made by him. In any case, the second Original Application filed by the petitioner granted a limited relief which could not workout due to the petitioner not having sufficient seniority. Even today, it is not the case of the petitioner that any of his juniors was promoted. Therefore, the dismissal of the Original Application was in order. Hence, the writ petition is dismissed.

7. 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