

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.39921 of 2017

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner states that he belongs to ST (Lambada) community. He was appointed as Secondary Grade Teacher on 23.03.1998 through District Selection Committee and was posted at MPP School, Laxmanaik Thanda, Kadpal Village of Medak District. While so, he was deputed to work as a Hostel Welfare Officer from 01.01.2007 to March 2013. The rules relating to the service of the Hostel Welfare Officers issued in G.O.Ms.No.36, BC Welfare (P2) Department, dated 09.07.1996, were amended in G.O.Ms.No.23, Backward Classes Welfare (A) Department, dated 02.03.2009, providing for absorption of teachers as Hostel Welfare Officers Grade II, subject to their eligibility. Apart from such absorption there is another channel of direct recruitment and also appointment by transfer. The ratio prescribed is 8:1:1 in a cycle of 10 substantive vacancies by direct recruitment, by transfer from the teachers and by promotion from the category of Class-IV employees working in the BC Welfare Department. The then Government issued a Memo on 06.08.2004 according permission to the teachers working on deputation as Hostel Welfare officers (Grade II) in various districts who are desirous of being absorbed as Hostel Welfare Officer Grade II in Social Welfare/Tribal

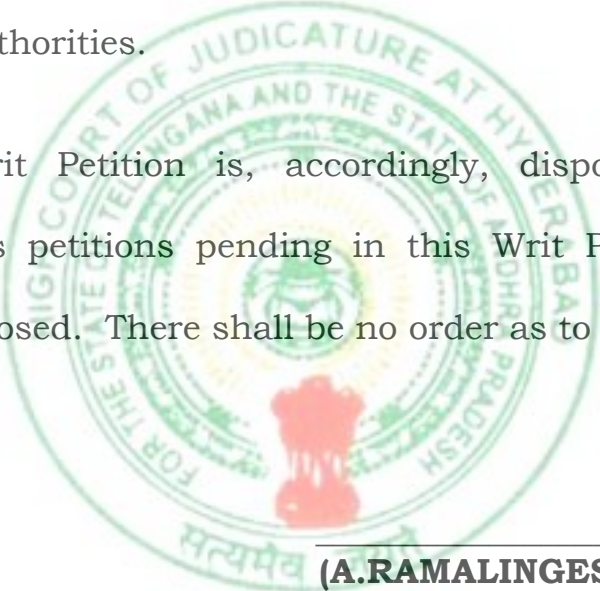
Welfare/B.C.Welfare Department subject to the fulfillment of conditions as prescribed in their respective Subordinate Service Rules. The petitioner expressed his willingness to be absorbed as Hostel Welfare Officer Grade II on 17.06.2014 to the third respondent through proper channel. On receipt of such request, the then Mandal Educational Officer, Kalher Mandal, vide his orders dated 01.07.2014 forwarded the petitioner's application to the third respondent and the third respondent in turn, vide his letter dated 29.09.2014, expressed his no objection to take over the services of the petitioner as Hostel Welfare officer in the BC Welfare Department. The first respondent thereupon issued orders appointing the petitioner as Hostel Welfare Officer Grade II by proceedings dated 22.11.2014 for a period of three years and when the said period of three years expired and an order was passed on 20.11.2017 repatriating him to the parent department, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that since the petitioner expressed his willingness to be absorbed as Hostel Welfare officer Grade II, his case should have been considered for absorption, as there is a provision for such absorption. He further submits that the petitioner worked from 01.01.2007 to March 2013 and from 2014 to 2017 and in view of the long service rendered by him and also keeping in view his willingness to be absorbed, the respondents should have considered his case for absorption.

This Court noticed that the earlier order passed by the first respondent on 22.11.2014 deputing the petitioner as Hostel Welfare Officer Grade II was for a period of three years and the impugned order was passed on 20.11.2017 after expiry of the said period of three years. In view of the same, this Court is not inclined to interfere with the impugned order. However, this will not prevent the petitioner from submitting an appropriate representation to the concerned authorities seeking his absorption and consideration of such representation by the concerned authorities.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

24.11.2017
vs

**(A.RAMALINGESWARA RAO, J)**