

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17913 of 2001

ORDER :

This writ petition is filed seeking a writ of mandamus declaring that the petitioners are entitled for selection and appointment to the post of Girijan Vidya Vikas Kendra ('GVVK') teachers against the 100 notified vacancies in the educational institutions located in tribal welfare agency area in Warangal District by the local schedule tribe candidates pursuant to the notification E2/C/482/2000, dated 06.07.2000 issued by the Project Officer, TTDA Eturunagaram, strictly adhering to the rules and guidelines issued in G.O.Ms.No.3, SW, dated 10.01.2000 with all consequential benefits by holding the action of the respondents in appointing the non-tribals against the vacancies in the scheduled area in utter disregard to the claim of the petitioners as illegal and arbitrary.

2. Heard Sri D.Linga Rao, learned counsel for the petitioners and the learned Government Pleader for Services-II.

3. It has been contended by the petitioners that they are fully qualified and eligible to be appointed as GVVK teachers and they have responded to the notification issued by the respondents dated 06.07.2000 for filling up the vacancies of GVVK teachers in the agency area. One of the stipulations as per the notification is that local tribal (Girijan) candidates are alone eligible for appointment. The petitioners could not come up within the zone of consideration for appointment as GVVK teachers and the petitioners have pleaded specifically at page No.3 of the affidavit that non-tribal candidates

particularly M.Manikyam, Kasinatham, P.Sambaiah, K.Suresh Kumar, G.Laxmi Narayana and some others, were appointed as GVVK teachers in tribal schools and they are working in the tribal areas which is contrary to the notification issued by the respondents and also to the policy of the State Government enunciated in G.O.Ms.No.3, dated 10.01.2000. Challenging the same, the present writ petition is filed.

4. The learned Government Pleader for Services-II contended that in the recruitment process, the petitioners could not come up within the zone of selection for appointment to the post of GVVK teachers and the allegation that non-tribal candidates are appointed and working in the tribal area is concerned, he has contended that those persons were appointed way back in 1991 i.e. even before the issuance of G.O.Ms.No.3, dated 10.01.2000 and therefore, there is no illegality in the action of the respondents and the writ petition is liable to be dismissed.

5. The learned counsel appearing for the petitioners contended that non-tribal candidates are working in tribal area, which is contrary to the G.O.Ms.No.3, dated 10.01.2000 and he further contended that the above said G.O. was also upheld by a Full Bench of this Court in a case reported in **Pulusam Krishna Murthy v. T.Sujan Kumar and others**(2002(1) ALD 423 (FB)) and contends that continuation of non-tribals in the tribal area is contrary to the policy of the State Government enunciated in G.O.Ms.No.3, dated 10.01.2000 and the appointments of non-tribals should be set aside and the petitioners should be accommodated in their posts.

6. This Court having considered the submissions on both sides is of the view that since the petitioners could not come up within the zone of selection for the posts of GVVK teachers, no illegality has been committed by the respondents in not considering the cases of the petitioners for appointment to the posts of GVVK teachers and so far as the contention of petitioners that non-tribals are working in tribal areas is concerned, they were appointed in the year 1992 itself i.e. even before the issuance of G.O.Ms.No.3, dated 10.01.2000. So, their appointments cannot be set aside. There are no merits in the writ petition and the same is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. It is needless to observe, if there are any vacancies, the petitioners are at liberty to submit representation for consideration of their cases for appointment as GVVK teachers and the present order will not preclude the respondents from considering the cases of the petitioners, if they submit such a representation. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

17th AUGUST 2018

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