

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3846 OF 2018

ORDER:

The petitioner has been selected as Secondary Grade Teacher in Staff Selection Committee vide proceedings of the 4th respondent dated 04.11.2004 in Rc.No.4998/C2/04 and he also completed M.A (Telugu) Post Graduation and that he also passed all the departmental tests, as such, he is eligible for promotion as School Assistant (Telugu). That on the recommendations of the 4th respondent, petitioner was promoted as School Assistant in the 5th respondent school, whereon the 3rd respondent issued proceedings bearing Rc.No.4578/B2/2017, dated 22.11.2017 approving the promotion of the petitioner and others as School Assistants and consequential proceedings have been issued by the 4th respondent vide proceedings in Rc.No.13185/B8/2017, dated 05.01.2018 permitting the 5th respondent to issue promotion orders to the teachers including the petitioner, whose promotions are approved by the 3rd respondent. As the same are not implemented, the present writ petition is filed.

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Services for respondents 1 to 4 and Sri M.Manohar Reddy, learned counsel for the 5th respondent.

Learned counsel for the petitioner who submits when once the proposals are approved by the 3rd respondent-Regional Joint Director and consequential order has been passed by the 4th respondent-District Educational Officer, the 5th respondent has no say in the matter, except implementing the same. He submits that only at the

instance of unofficial respondents in other writ petitions where there is no interim order of stay regarding promotion, the 5th respondent is withholding the promotion. He also brought to my notice about interim order passed by this Court in WPMP No.43692 of 2017 in WP No.35168 of 2017 on 25.10.2017. In pursuant to same, the case of Smt. B.Usha Rani, who is petitioner therein was considered and rejected by the 4th respondent vide proceedings dated 20.11.2017.

Though counter affidavit is filed by the 5th respondent, it is stated that W.P.No.35168 of 2017 is pending, but not indicated about any stay of promotion of petitioner, granted in the same. It is also not stated whether there is any stay with regard to proceedings issued by the 3rd and 4th respondents.

In view of the same, as long as the proceedings of the 3rd respondent-Regional Joint Director and 4th respondent-District Educational Officer are holding the field, the 5th respondent is bound to implement the same. Even according to the counter affidavit, there is no stay operating against the proceedings of the 3rd and 4th respondents.

In view of above facts and circumstances, the 5th respondent is directed to comply the orders passed by the 4th respondent dated 05.01.2018.

Accordingly, this Writ Petition is allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY,J

19-03-2018
kvs

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WRIT PETITON No.3846 OF 2018



Date: 19.03.2018

kvs



