

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* THE HON'BLE MS. JUSTICE J. UMA DEVI

+ W.P.NO.5564 of 2012

% Date: 02-01-2018

Between:

1. The Government of Andhra Pradesh rep. by its Secretary, Education Department, Secretariat, Hyderabad.
2. The Commissioner and Director of School Education, Government of Andhra Pradesh, Saifabad, Hyderabad.
3. The District Educational Officer, Guntur District at Guntur.

.... Petitioners

And

1. G. Giri Babu, S/o. Late Veeraiah, School Assistant (English), ZPHS Kandlakunta, Veldurthy Mandal, Guntur District.
2. The Andhra Pradesh Administrative Tribunal, Hyderabad, rep. by its Registrar, Purnaa Haveli, Hyderabad.

... Respondents

! Counsel for the Petitioners : G.P. for Services (A.P)

^ Counsel for Respondents : Mr. Ch. Jagannatha Rao

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? Cases referred

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION No.5564 of 2012

ORDER: (Per VRS,J.)

Aggrieved by the direction issued by the Tribunal to count the services of the petitioner with effect from the year 2005 without monitory benefits, the State has come up with the above writ petition.

2. Heard the learned Government Pleader for Services (A.P) and Mr. Ch. Jagannatha Rao, learned counsel for the 1st respondent.

3. The 1st respondent appeared for selection to the post of School Assistant (English) in response to a notification DSC-2003. The 1st respondent did not have the qualification of B.Ed but had only the qualification of a Post Graduate Diploma in Teaching English (PGDTE). Therefore, his application was not considered forcing him to go before the Tribunal by way of O.A.No.1269 of 2004.

4. While admitting the Original Application, the Tribunal directed the respondents to receive the application and to allow the 1st respondent to participate in the selection. Accordingly, the 1st respondent participated in the selection.

5. By a final order dated 16.02.2005, the Tribunal allowed the Original Application directing the respondent to consider the qualification as equivalent and to declare the result of the petitioner.

6. The said order of the Tribunal was challenged by the State in writ petition in W.P.No.14226 of 2005. The said writ petition was dismissed by this Court by an order dated 16.09.2008.

7. Thereafter, the State appointed the 1st respondent on 04.05.2009. After the appointment the 1st respondent demanded counting

of his services from November 2005, with effect from the date from which all persons selected pursuant to DSC-2003, were appointed. The said claim was rejected by the department forcing the 1st respondent to file O.A.No.178 of 2010. The said application was allowed by the Tribunal by order dated 23.03.2011 forcing the State to come up with the above writ petition.

8. It is an admitted fact that the application of the 1st respondent was not accepted, on account of the dispute with regard to the qualification. The moment the dispute got settled, the petitioners ought to have issued the appointment orders. The judgment of the Tribunal was rendered on 16.02.2005. All persons, who were selected in the selection DSC-2003, were issued with appointment orders in November, 2005. But the State filed a writ petition. It is not known whether there was any interim order pending the writ petition. But the writ petition was dismissed after three years of the date of filing. The 1st respondent cannot be held responsible for the delay. There was a delay on the part of the State in implementing the order of the Tribunal and there was a delay in the matter of adjudication of the dispute. Therefore, what the Tribunal did was right and hence we find no reason to interfere with the order of the Tribunal. Therefore, the writ petition is dismissed.

9. As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE J. UMA DEVI

2nd January, 2018
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION No.5564 of 2012



Date: 02-01-2018

Js.