

THE HON'BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.15493 of 2001

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India praying to grant the following relief:

“.. to issue a writ of Mandamus declaring the proceedings of the third respondent in Rc.No.2308/D1 2/2000 dated 20.11.2000 and consequential proceedings of the first respondent in Rc.No.8060/A2/2000 dated 21.12.2000 as illegal, improper, unjust and arbitrary, unjust so far as the payment of salaries to the petitioner herein are concerned and further declare that G.O.Ms.No.180 Education (PS.1) Department dated 29.12.2000 is illegal insofar as petitioner is concerned and further direct the respondents to pay the salary to the petitioner in the time scale as mentioned by the Management in the appointment orders w.e.f. the date of joining with all consequential benefits including payment of arrears.”

The petitioner was appointed as Secondary Grade Teacher by the 1st respondent in Rc.No.8950/A2/2000 dated 22.12.2000 in the Luthern High School, as per the procedure prescribed in G.O.Ms.No.1 dated 1.1.1994. Her appointment was also approved by the 1st respondent pursuant to the directions of this Court in W.P.No.17252 of 1999. The petitioner was paid stipendiary pay as per the orders of respondent nos.1 and 2 issued in G.O.Ms.No.180 Education (P.S.II) Department, dated 29.12.2000 amending Rule 12 sub rule (4) of G.O.Ms.No.1 dated 01-01-1994. As per the said amendment, every selected candidate for the aided post of the

teacher shall be initially appointed as apprenticeship for a period of two years from the date of joining duty and shall be paid monthly stipend.

In the identical set of facts and circumstances, the Division Bench of this Court in the case of **State of Andhra Pradesh v.Dantu Kumamgeswara Venkata Kumara Ratnakar**¹ held as follows:

“G.O.Ms.No.180, dated 29.12.2000 and G.O.Ms.No.100, dated 16.08.2001, are not clear as to whether it is only the candidates, who are selected afresh, to work against aided vacancies, that must be required to undergo the apprenticeship, or even those who were absorbed. Whether one goes by reason or logic, the question of a teacher whose appointment has already been approved and has been working on regular pay, being required to undergo apprenticeship on being absorbed against a aided vacancy, does not arise. The apprenticeship is a phenomenon, which is almost equivalent to training or probation, to be undergone by an employee at the threshold of his appointment. Obviously because the performance of the candidate is yet to be observed, the emoluments during that period are kept at a low level. In the instant case, however, the 1st respondent whose appointment has already been approved in the year 2001, has been treated as apprentice in the year 2004 on being absorbed against aided vacancy. Such a course is contrary to law.”

Following the same, the Single Judge of this Court allowed similar W.P.No.2272 of 2011, with the same prayer to that of this Writ Petition.

Learned counsel for the petitioner as well as learned Government Pleader submitted that this Writ Petition is covered by the orders passed in WP.No.2272 of 2011 dated 1.2.2016.

¹ 2015 (6) ALD 216

Accordingly this Writ Petition is allowed. The respondents are directed to pay the petitioner the regular time scale applicable to her from the date of her absorption instead of placing her on a monthly stipend. The amounts payable to the petitioner consequent to this order shall be computed and remitted within a period of three months from the date of receipt of a copy of this order. In the circumstances of the case, there shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

JUSTICE M. GANGA RAO

Date: 28/06/2018

Note: Office is directed to enclose a copy of the Order dated 1.2.2016 in W.P.No.2272 of 2004 along with this order.

lkv

