

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13391 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader of Services appearing for the respondents.

2. This Writ Petition is filed seeking to declare the action of the 1st respondent in taking steps to effect promotion to the post of Deputy Director (Administration) in the existing vacancies before amending the A.P Intermediate Education Service Rules issued in G.O.Ms.No.302, Education (I.E-1) Department, dated 30.12.1993, pursuant to the proposal submitted by the 2nd respondent in his letter, dated 10.11.2017, as arbitrary and illegal.

3. The facts of the case, in brief, are that the petitioner belongs to scheduled caste community and initially he was appointed as Typist in the 2nd respondent office on 07.05.1990 and subsequently, he got promotions and at present he is working as Administrative Officer in the office of the District Vocational Education Officer, Ranga Reddy District. Subsequently, he was transferred and posted in the office of the Intermediate Education Office, Rajanna, Siricilla District. He stated that the post of Assistant Director including Administrative Officer is governed by the A.P. Intermediate Education Service Rules. As per Rule 3 of the said Rules, all the Administrative Officers got promotion from the feeder category i.e., Superintendent/Auditors in the A.P. Ministerial Service Rules. Therefore, all the Superintendents, who are working in the A.P. Ministerial Services, are eligible for promotion as Assistant Director including Administrative Officer. While the petitioner was working as Superintendent in the 2nd

respondent office, he got promotion as Administrative Officer. Subsequently, the 2nd respondent by his letter, dated 10.11.2017, submitted a detailed report and given reasons and justified the proposed amendment to the A.P. Education Service Rules while sending draft Rules with a request to amend A.P. Intermediate Education Service Rules. Earlier, when the 2nd respondent sent proposals for amendment by his letter, dated 18.11.2016, and when the 1st respondent failed to take action, the petitioner filed W.P.No.21647 of 2017 and in the said writ petition this Court issued notice. The 2nd respondent submitted all the information and relevant material as requested by the 1st respondent by his Memo, dated 17.05.2017 and 07.08.2017 and also submitted information by letter, dated 10.11.2017, but till date no action was taken. Hence, the Writ Petition.

4. Learned counsel for the petitioner submits that 1st respondent is taking steps to effect promotion to the post of Deputy Director (Administration) in the existing vacancy, without amending the A.P.Intermediate Education Service Rules issued in G.O.Ms.No.302, 30.12.1993; that the Commissioner, the 2nd respondent has already sent proposals to the 1st respondent for amendment of the Rules, but, without considering the same, the respondent authorities are going ahead with the promotion.

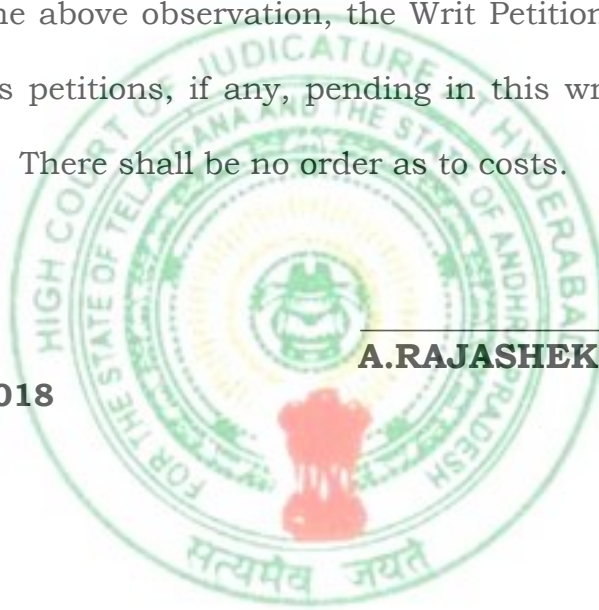
5. On the other hand, learned Assistant Government Pleader submits that as on today, the Rules containing G.O.Ms.No.302, dated 30.12.1993, are not amended and unless Rules are amended, the relief sought for by the petitioner cannot be granted.

6. Petitioner himself admitted that unless Rules containing G.O.Ms.No.302, dated 30.12.1993, are amended, his case could not be considered for promotion. When the Rule is operating, no relief can be granted to the petitioner for promotion and the respondents cannot be found fault in not giving promotion to the petitioner. In the above circumstances, this Court is not inclined to stall promotions. As the 2nd respondent has already sent proposals to the 1st respondent, the 1st respondent shall take appropriate decision, in accordance with law, as soon as possible.

7. With the above observation, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

APRIL 18, 2018
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A.RAJASHEKER REDDY, J



HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



WRIT PETITION No.13391 OF 2018

Date: 18.04.2018

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