

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.32997 OF 2015

ORDER:-

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to declare the action of the Respondents in not appointing the petitioner as Cluster Resource Person as though the petitioner is eligible as per G.O.Ms.No.73 and not relaxing the age of the petitioner for re-deployment as Cluster Resource Person is illegal and contrary to Article 14 & 16 of the Constitution of India, in consequence thereof to direct the Respondents to consider the case of the petitioner for appointment as Cluster Resource Person by relaxing the age by disposing of the petitioner’s representation dated 17.01.2015 by issuing a Writ of Mandamus or Writ Order or directions more particularly in the nature of Mandamus or any other writ order or orders as this Hon’ble Court may deems fit and proper in the circumstances of the case.” (re-produced verbatim)

2. Heard Sri V.V.Narasimha Rao, learned counsel for the petitioner, learned Government Pleader for School Education (TG) appearing for respondent Nos.1, 3 and 4, and Sri G.Bhaskar, learned Standing Counsel appearing for respondent No.2.

3. Case of the petitioner, in brief, is as follows:

The petitioner was initially appointed as a Non - formal Education (N.F.E.) Instructor and subsequently, promoted as a Supervisor. The scheme of N.F.E. was introduced in the year 1978 and since then, the petitioner has been continuously working as a Supervisor. While he was working as Supervisor, the State Government has abolished the N.F.E. scheme with effect from 31.03.2011 and in consequence of the abolition of the said

scheme, the services of the petitioner were terminated without redeployment or absorbing the erstwhile Instructors and Supervisors in the Education Department. The petitioner has completed eleven years of service as Supervisor.

4. The petitioner has drawn the attention of this Court to G.O.Ms.No.73, Education (PE.PROG.I) Department, dated 23.06.2011, wherein the request of Public Representatives and Associations of N.F.E. employees was accepted and the State Government, as a policy, has taken a decision to relax the age up to 45 years as on 01.07.2010 in respect of erstwhile N.F.E. Instructors/Supervisors, who have D.Ed./B.Ed., qualification, to engage them as Cluster Resource Persons to School Complexes to assist the Head Masters/Head Mistress in monitoring the activities of Sarva Shiksha Abhiyan in the state. In pursuance to that new scheme, the petitioner has submitted a representation on 17.01.2015 and requested to consider his case for appointment as Cluster Resource Person.

5. Learned counsel for the petitioner submits that on the ground the petitioner has crossed the maximum age limit by six months as on 01.07.2010, his case is not being considered. He has drawn the attention of this Court to page No.21 of the material papers wherein the cases of certain individuals such as Y.Narsaiah and M.Venkata Subba Reddy, even though they crossed 45 years of age, were considered as a special case by duly relaxing Rule 6 of G.O.Ms.No.679, Education (B) Department, dated 18.07.1979.

6. Sri G.Bhaskar, learned Standing Counsel appearing for respondent No.2, has contended that the post of Cluster Resource

Person is a tenure post and it will be only for a period of one year for that academic year and that since the writ petition is filed in the year 2015, the cause in the present writ petition may not survive.

7. This Court, having considered the rival submissions made by the parties, is of the considered view that the writ petition can be disposed of by directing the respondents to consider the representation, dated 17.01.2015, submitted by the petitioner for relaxation, as it was done in the case of Y.Narsaiah and Sri M.Venkata Subba Reddy, if there are vacancies of Cluster Resource Person, and pass orders. However, it is always open for the respondents to reject the case of the petitioner on the ground that he has crossed 45 years of age.

8. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

9. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 18.04.2018
AMD

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