

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.20031 OF 2015

DATED :19.02.2018

Between :

Smt.N.Hima Bindu W/o.S.Shiva Prasad,
Aged 29 yrs, Occu : Sr.Asst. R/o.13-7-925/D3,
Bhanu Nivas, Korla Gunta, Tirupati, Chittoor District,
Andhra Pradesh.

.. Petitioner

And

Sri Venkateswara Veterinary University,
Rep., by its Registrar, Administrative Office,
Dr.Y.S.R.Bhavan, Tirupati, Chittoor District,
Andhra Pradesh & others.

.. Respondents



This court made the following :

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ORDER :

Heard. With the consent of both the counsel the Writ Petition is disposed of finally.

2. Petitioner joined service as Junior Assistant-cum-Typist on compassionate grounds on 01.05.2008. While appointing the petitioner, she was asked to obtain degree certificate. Accordingly, petitioner obtained degree certificate on 25.08.2009. In the order of appointment, petitioner was also informed that her services in Junior Assistant cadre would be treated as regular from the date of obtaining the degree certificate. The 3rd respondent then working as Record Assistant, was promoted as Junior Assistant, by proceedings dated 25.05.2009. In the seniority list dated 27.04.2012 of Junior Assistants-Cum-Typists, the name of the petitioner is shown against Sl.No.6 and name of the 3rd respondent is shown against Sl.No.9. Further promotions were taken up and by common proceedings, both were promoted as Senior Assistants. In the seniority list dated 15.06.2015 of Senior Assistants, the name of 3rd respondent is shown against Sl.No.4 and name of the petitioner is shown against Sl.No.16. Challenging the said seniority list, this writ petition is filed.

3. By order dated 06.07.2015, this Court directed maintenance of Status-quo regarding further promotions.

4. Praying to vacate the said interim order, the 3rd respondent filed I.A.No.01 of 2015 (WVMP.No.2818 of 2015).

5. The short issue for consideration in the writ petition is whether the 3rd respondent was rightly shown as senior to petitioner in the category of Senior Assistants?

6. As briefly noted above, petitioner was appointed on compassionate grounds on 01.05.2008 as Junior Assistant-cum-Typist with a condition that petitioner should acquire Graduation within a period of five years from the date of issuance of appointment order. After acquiring the degree, petitioner's services were regularized from the date of acquiring the degree. In the seniority list of Junior Assistants, though name of petitioner is shown against Sl.No.6, in Column No.8, date of assignment of seniority is shown as 25.08.2009. In so far as the 3rd respondent is concerned her date of assignment of seniority is shown as 28.05.2009. In the note appended to the proceedings, it is shown that since petitioner acquired qualification on 25.08.2009 her seniority is assigned from that date only. Thus, the date assigned to petitioner as Junior Assistant-cum-Typist, which shall be the date to determine seniority is later to the date of promotion of 3rd respondent. Thus, merely because name of petitioner is shown at higher serial number as compared to the 3rd respondent, no advantage can accrue to the petitioner to contend as senior when her date of appointment is later to the date of promotion of 3rd respondent. Petitioner cannot ignore column No.8 and note appended to the seniority list to contend otherwise.

7. Further, as pointed out by learned counsel Sri O.Manohar Reddy, appearing for the 3rd respondent, the Government issued orders in G.O.Ms.No.151 dated 22.06.2004 amending G.O.Ms.No.60 dated 11.02.1997. By this amendment Government

makes it clear that if a person does not possess requisite qualification prescribed to a post for appointment on compassionate grounds, such person's appointment shall be treated as regular from the date of acquiring the qualification prescribed. In terms thereof, the regular appointment of petitioner as Junior Assistant-cum-Typist is 25.08.2009.

8. Once petitioner is shown as junior to 3rd respondent in the lower cadre, even if both are promoted on the same day, seniority as reflected in the lower cadre shall have to be reflected in the higher cadre. Accordingly, while showing the name of 3rd respondent at Sl.No.4, petitioner is shown at Sl.No.16 i.e., below the persons who were appointed as Junior Assistants between these two persons.

9. I do not see any error in the assignment of seniority of 3rd respondent above the petitioner. The writ petition merits no consideration. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

All pending Miscellaneous petitions stand closed.

P.NAVEEN RAO,J

19th February, 2018

Note : Issue c.c. in three (3) days

B/o.
Rds