

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.41198 OF 2014

ORDER

This writ petition is filed seeking the following relief:

“...to issue any writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the proceedings of the Regional Joint Director of School Education, Kakinada, East Godavari District, the 3rd respondent herein, in Rc.No.5936/(A1)(B2) (B1)A2/2004 dated 20-10-2012, in so far as approving the appointment of the petitioner as School Assistant (science) in the aided post of SPVKR High School, Dommeru, Kovvur Mandal, West Godavari District from the date of those proceedings instead of 30-10-2004 on which date the petitioner was selected by the duly constituted Staff Selection Committee, as illegal, arbitrary, contrary to the rules and violative of Articles 14, 16 & 21 of the Constitution of India and consequently direct the respondents to treat the date of appointment of the petitioner in the Aided School Assistant (Science) post with effect from the date of original selection i.e., 30-10-2004, with all consequential benefits such as arrears of salary, seniority etc., and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri G.Vivekanand, learned counsel appearing for the petitioner and learned Government Pleader for School Education appearing for respondents 1 to 4.

It is the case of the petitioner that he is fully eligible and qualified to be appointed as School Assistant. The 5th respondent had issued an advertisement to fill up the post of School Assistant (Science). The petitioner had responded to

the said advertisement and after undergoing regular selection process, the petitioner was selected and appointed as School Assistant (Science) on 30-10-2004. The 5th respondent has submitted proposals for approval of the appointment of the petitioner to the competent authority on 3.1.2004, but the competent authority had belatedly approved the appointment of the petitioner as School Assistant *vide* proceedings dated 20.12.2012. Hence, the petitioner is not being extended the regular scale of pay attached to the post of aided vacancy from the date of his initial appointment.

Learned counsel appearing for the petitioner contends that the District Educational Officer, Nizamabad, had approved the appointment of the teachers from the date of their original appointment on the recommendations made by the Regional Joint Director, but in the instant case, the Regional Joint Director has approved the appointments made way back in 2004 belatedly and the Regional Joint Director ought to have approved the appointment of the petitioner from the date of initial appointment of the petitioner.

Learned Government Pleader appearing for respondents 1 to 4 contends that the petitioner has not submitted any representation seeking approval of his appointment from the date of his initial appointment and that the 5th respondent-

School ought to have submitted proposals for approval of the petitioner from the date of his initial appointment and that there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that ends of justice would be met if a direction is given to the petitioner to submit a representation afresh seeking approval from the date of his initial appointment.

Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation afresh and the 5th respondent shall also submit fresh proposals to the competent authority seeking approval of the petitioner from the date of his initial appointment within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation & proposals, the competent authority shall consider the same and pass appropriate orders within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

11th December, 2018
rkk

