

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 28188 of 2018

Date :13.8.2018

Between:

M Nagaraju S/o Narasingapa
59 years C/o K Kahadr
5/121, Ramalayam street, Yerraguntla,
YSR Kadapa

Petitioner

And

The State of A P
Rep by its Principal Secretary,
School Education Department
Secretariat, Guntur and others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned G.P. for Education and with their consent the writ petition is taken up for disposal at the admission stage.

2. Petitioner was appointed as Secondary Grade Assistant in 5th respondent school and later became B.Ed Assistant and continuing to work in the said capacity. According to petitioner, in March, 2017, petitioner was orally informed of his retirement without any notice. Petitioner prays, he is entitled to continue in service until he attains the age of 60 years.

3. According to learned counsel for petitioner, the age of superannuation is extended by State of Andhra Pradesh to 60 years and same benefit should also be extended to petitioner, therefore retiring the petitioner by management on attaining the age of 58 years is illegal, would amount to removal from service and as provisions of Section 79 of A.P. Education Act, 1982 are not complied, the order of removal is ex-facie illegal. Learned counsel, therefore submits that petitioner is entitled to continue in service until he attains the age of 60 years.

4. It is not in dispute that petitioner is not working in Aided post, no material is placed on record to show that 5th respondent has taken a decision to increase the age of superannuation of employees working in the 5th respondent school to 60 years. That being so and as normal age of superannuation is 58 years, when petitioner was asked to retire on attaining the age of 58 years, it cannot be said that management erred in retiring the petitioner and such decision of the management would be offending the mandate of Section 79 of the A.P. Education Act, 1982.

5. Merely because State Government extended the age of superannuation, petitioner cannot assume that even 5th respondent school management is required to apply the age of superannuation as extended by the State Government and in that manner claim continuation in service.

Therefore, I see no merit in the writ petition and accordingly the same is dismissed. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 13-08-2018

TVK



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