

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 26946 of 2005

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents 1 to 5 in not promoting the petitioner as B.Ed. Assistant in the 5th respondent school, despite his seniority and eligibility and availability of a clear vacancy and there is no ban on promotion vide Memo dated 20.10.2004 issued by the Government, as illegal and arbitrary. A consequential direction is also sought to promote the petitioner as B.Ed. Assistant in the 5th respondent school with effect from 01.01.2005.

Heard Sri S. R. Sanku, learned counsel for the petitioner, learned Government Pleader for Education appearing on behalf of the 1 to 4, and Sri O. Manohar Reddy, learned counsel for the 5th respondent.

When the matter is taken up for hearing, it is reported by the learned Government Pleader for Education that the ban imposed vide Memo dated 20.10.2004 has been revoked vide G.O.Ms.No.41 dated 20.07.2017 and, in view of revocation of ban on promotions, the case of the petitioner will be considered, in accordance with law.

Learned counsel for the 5th respondent has contended that the petitioner was placed under suspension pending enquiry vide orders dated 05.10.2006 on the ground that he was involved in a criminal

case and a case has been registered in Crime No.87 of 2006 on the file of the Town Police Station, Bapatla, Guntur District.

This Court, having considered the submissions made by the learned counsel for the parties and perused the record, is of the considered view that if the petitioner is otherwise fully eligible and qualified, the 5th respondent shall submit proposals to the official respondents for consideration of the case of the petitioner for promotion to the post of B.Ed. Assistant, in view of revocation of ban on promotions vide G.O.Ms.No.41 dated 20.07.2017. The entire exercise for consideration of the case of the petitioner shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

23rd August, 2018
cbs

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Writ Petition No. 26946 of 2005
(disposed of)

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