

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.36546 OF 2018

ORDER:

1. With the consent of both the Counsel, this writ petition is being disposed of at the admission stage.

2. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in not permitting the petitioner-school for filling up of three secondary grade Aided Teacher Posts, which were fallen vacant due to retirement of Smt. T. Nirmala, Aided Secondary Grade Teacher on 31.1.2007; Smt. Padmavathi, Aided Secondary Grade Teacher on 31.10.2009 and Smt. Anasuya, Aided Secondary Grade Teacher on 30.6.2016, as per staff pattern prescribed in G.O.Ms.No.40, Education Department dated 18.6.2013, as illegal and arbitrary, and Consequently, to direct the respondents to accord permission to the petitioner-school to fill up the clear vacant three Secondary Grade Aided Teacher posts, in accordance with recruitment procedure as contemplated under Rules 12 and 13 of 1993 Rules issued in G.O.Ms.No.1, Education Department, dated 1.1.1994.

3. Heard Sri Gangisetty Rajeswara Rao, learned Counsel for the petitioner and the learned Government Pleader for Education.

4. It has been submitted by the petitioner that the petitioner school was established way back in the year 1972 as primary school, after obtaining necessary permission and recognition from the respondents and that the petitioner-school was upgraded as upper primary school during the academic year 1987-88 and it was further upgraded as Secondary School during the academic year 1993-94. It has been further submitted that the State Government was pleased to grant grant-in-aid to the petitioner-school vide G.O.Ms.No.1916, dated 11.12.1972 and since then, the petitioner-school has been running without any complaints. Further, it has been submitted by the petitioner that the Government admitted five secondary grade teacher aided posts of the petitioner-school into Grant-in-aid and out of them, three teachers, who were working in aided vacancies have retired on attaining the age of superannuation, and thereafter, the petitioner has submitted a representation on 16.2.2015 requesting the respondents to grant permission to fill up the aided vacant posts, but so far, the respondents have not passed any orders on the said representation.

5. The learned Government Pleader for Education contended that since ban was imposed by the State Government, the respondents are not in a position to give permission to the petitioner-school and that as and when ban is

lifted, the case of the petitioner will be considered for grant of permission to fill up the aided vacant posts.

6. This Court has considered the submissions made by the parties and the material available on record. It is brought to the notice of this Court that this Court vide order dated 30.7.2013 in W.P.No.9503 of 2005 and batch, set aside the orders passed by the State Government banning the filling up of grant-in-aid posts. In view of the same, the respondents herein are directed to consider the representation submitted by the petitioner-school on 16.2.2015 seeking permission to fill up aided vacancies and pass appropriate orders, within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated:11th October, 2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.36546 OF 2018



11/10/2018

Nn.