

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.27836 OF 2015

ORDER:-

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of *mandamus* to declare the action of the respondents in not considering the representation, dated 28.06.2015, of the petitioner as illegal and arbitrary and consequently, to direct the respondents to absorb the petitioner into the vacant post of SGBT with effect from the proposals, dated 10.08.2006, of respondent No.5 with all consequential benefits i.e., seniority, monetary benefits etc.

2. Heard Sri K.Rama Mohan Mahadeva, learned counsel for the petitioner, learned Government Pleader for School Education (A.P.) appearing for respondent Nos.1 to 4 and Smt Y.Malathi, learned counsel appearing for respondent No.5.

3. Case of the petitioner, in brief, is as follows:

The petitioner was appointed as a Teacher in respondent No.5 School *vide* proceedings, dated 19.09.1989, and joined in duty on 25.09.1989 and since then, he is working continuously in respondent No.5 school. While so, on 10.10.1994, five aided Secondary Grade posts were sanctioned to respondent No.5 school, and only three unaided teachers working in the said school were absorbed in the newly sanctioned aided posts out of sanctioned five aided posts and other posts are still vacant. The management of respondent No.5 School has submitted proposals on 10.08.2006 recommending the case of the petitioner for absorption into the

said grant-in-aid post. As the competent authority i.e., respondent No.2 has not passed any orders on the proposals submitted by the management of respondent No.5 school, the petitioner made a representation dated 28.06.2015 to the 1st respondent requesting to absorb him in any existing vacant aided post, but no action has been taken so far. Aggrieved by the same, the petitioner filed the present writ petition.

4. Learned Government Pleader for School Education has submitted that respondent Nos.1 to 4 have not received the proposals submitted by the management of respondent No.5 school and that is why, they could not pass any orders on the said proposals.

5. Having considered the rival submissions made by the parties, without expressing any opinion on merits, this Court is of the view that the writ petition can be disposed of directing respondent No.5 school to submit a fresh representation to the competent authority i.e., respondent No.2 – The Commissioner and Director of School Education, Andhra Pradesh within a period of three (3) weeks from the date of receipt of a copy of this order and on receipt of such representation from respondent No.5 School, respondent No.2 shall consider the same and pass appropriate orders within a period of eight (8) weeks thereafter.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 18.04.2018
AMD



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