

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.39411 OF 2018

ORDER:

This Writ Petition is filed to declare the action of the respondents in not absorbing the petitioner in the aided vacancy of Lecturer in Education arose due to the retirement of Sri D.Virgil Vijaya Rao, who retired on 31.10.1999 in A.L. College of Education, Brodipet, Guntur in pursuance of the orders passed in G.O.Ms.No.41, School Education (PS) Department, dated 30.06.2017, as illegal and arbitrary and sought a consequential direction to direct the fifth respondent to send the proposal for absorption of the petitioner as Lecturer in Education in the available aided vacancy.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education for the respondents.

It has been contended by the petitioner that he is fully eligible and qualified for appointment as Lecturer in Education and the petitioner was appointed as Lecturer in Education in the fifth respondent-College on 25.05.2017 and since then he has been discharging his duties without any complaint. The petitioner further contends that the State Government has issued G.O.Ms.No.41 dated 30.06.2017 wherein the Government has taken a decision to grant permission to fill up aided posts by the aided colleges according to certain terms and conditions.

The petitioner fulfils the terms and conditions as set out in G.O.Ms.No.41 dated 30.06.2017 and to that effect, the petitioner has submitted a representation to the respondents on 02.08.2018.

So far, the respondents have not passed any orders on the said representation.

Learned Government Pleader appearing for the respondents contended that the fifth respondent-College should submit proposals in terms of G.O.Ms.No.41 dated 30.06.2017. An individual cannot file representation to the competent authority. Until and unless the fifth respondent submits proposals, the respondents cannot pass any orders on the representation submitted by the petitioner.

This Court, having considered the rival submissions made by both the parties, is of the considered view to dispose of the Writ Petition directing the fifth respondent to submit proposals to the respondent Nos.1 to 4, if the petitioner is discharging his duties, as required, within two (2) weeks from the date of receipt of a copy of this order and upon such proposal being received from the fifth respondent, respondent Nos.1 to 4 shall consider the said proposal and pass appropriate orders in accordance with the provisions of G.O.Ms.No.41 dated 30.06.2017 in another four (4) weeks thereafter.

With these observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

2nd November 2018
RRB