

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 3562 of 2002

ORDER:-

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the action of respondent Nos.1 to 3 in appointing the 4th respondent as Principal of the 3rd respondent – College by impugned proceedings of the 2nd respondent in Rc.No. 222/ PC-II-2/ 2000, dated 16.02.2000, as arbitrary and illegal, and sought a consequential direction to the official respondents to fill up the post of Principal in accordance with G.O.Ms.No. 127, dated 07.06.1993.

Heard Sri C.B. Ram Mohan Reddy, learned counsel for the petitioner, the learned Government Pleader for Higher Education for respondent Nos.1 and 2 and Sri D.V.Nagarjuna Babu, learned counsel for respondent Nos.3 and 4 and perused the material placed on record.

It is contended by the learned counsel for the petitioner that even though the petitioner is eligible, his case was ignored for promotion to the post of Principal, instead, the case of the 4th respondent, who did not possess requisite qualification, was considered for the post of Principal.

The learned Government Pleader for Higher Education submits that by virtue of the orders issued by the Government in G.O.Ms.No. 127, dated 07.06.1993, the cases of the first three senior most lecturers have to be considered, and

accordingly, the case of the petitioner was also considered, but the selection committee has not recommended the petitioner's case, however recommended the case of the 4th respondent.

Having considered the rival contentions of both the parties, this Court is of the view that the 4th respondent must have retired from service and the petitioner is still in service, as such, the case of the petitioner shall be considered by the official respondents for promotion to the post of Principal in the resultant vacancy caused because of retirement of the 4th respondent, if not already considered.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

26-07-2018

bcj