

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.127 of 2019

ORDER:

This writ petition is filed seeking the following relief :

“ to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus to the action of the respondents in not granting notional promotion to the petitioner as Gazetted Head Master on par with her juniors, who promoted from the year 2009 onwards in spite of representation made by the petitioner on 03.05.2018 is arbitrary, illegal, unjust and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to consider the claim of the petitioner for notional seniority in the cadre of Gazetted Head Master on par with her juniors, who promoted from the year 2009 onwards with all consequential benefits”.

Heard Sri K.Sarath, learned counsel for the petitioner and learned Government Pleader for Services-I, for respondents.

It has been contended by the petitioner that she was initially appointed as School Assistant (Biological Science) in DSC-2002. She belongs to SC community. In the seniority list prepared in Mahabubnagar District, her name was shown as eligible for promotion to the post of Gazetted Head Master in SC category but she was not considered for promotion in view of non availability of vacancies. The grievance of the petitioner is that many of her juniors were promoted as Gazetted Head Masters from 2009 onwards, whereas the case of the petitioner was ignored for promotion to the post of Gazetted Head Master till 2015. Smt. K.Saraswathi who was selected in DSC-2002 was promoted as

Gazetted Head Master in the year 2009 and therefore, she is entitled for notional promotion on par with her juniors. Accordingly, the petitioner submitted a representation dated 03.05.2018 to the respondents requesting to grant notional promotion on par with her juniors who were promoted from the year 2009 onwards till her promotion on 9.7.2015 but the respondents neither passed any orders on the said representation nor promoted the petitioner on notional basis as Gazetted Head Master. Therefore, appropriate orders be passed directing the respondents to consider the representation dated 3.5.2018 of the petitioner and consider her case for notional promotion on par with her juniors.

Learned Government Pleader for the respondents has contended that the case of the petitioner will be examined and appropriate orders would be passed on the representation submitted by the petitioner on 03.05.2018.

This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 03.05.2018 and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 04/01/2019
Slk

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Dated: 04/01/2018

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