

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1731 of 2019

ORDER :

This writ petition is filed seeking Writ of Mandamus declaring the action of the 1st respondent in not passing appropriate orders permitting the petitioner to undergo B.Ed. Course as in-service candidate on deputation basis in terms of G.O.Ms.No.342, Social Welfare Department, dated 30.08.1977, to acquire B.Ed. Course for the academic years 2018-2020 based on his admission into the said course, even though the petitioner has satisfied all the conditions stipulated in G.O.Ms.No.342, dated 30.08.1977, to undergo B.Ed. Course as in-service candidate, as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and, consequently sought a direction to declare that the petitioner is entitled for deputation to undergo B.Ed. Course for the academic years 2018-2020 as in-service candidate in terms of G.O.Ms.No.342, dated 30.08.1977, with full pay and allowances without loss of leave and with all attendant benefits.

It is the case of the petitioner that he belongs to S.C. Community and was appointed as Office Subordinate in the year 2000, subsequently promoted as Record Assistant and further promoted to the post of Junior Assistant from 17.04.2013 and discharging his duties as such. As per the

School Educational Service Rules, the petitioner is eligible for appointment to the post of School Assistant by way of recruitment by transfer in the quota meant for Ministerial Staff. While so, the State Government has taken a policy decision to permit the candidates for acquiring higher qualifications to enable them to be considered for promotion to the next higher post vide G.O.Ms.No.342, dated 30.08.1977. The petitioner made a representation dated 29.10.2018 requesting the respondents to permit him to pursue and acquire B.Ed. qualification in terms of G.O.Ms.No.342, dated 30.08.1977, to enable the petitioner to get appointed as School Assistant. The grievance of the petitioner is that though he submitted the above representation, the respondents are not passing any orders on the same nor permitting him to pursue B.Ed. Course. Hence the present writ petition.

Heard Sri P. Narasimha Rao, learned counsel for the petitioner and the learned Government Pleader for Services-I.

Learned counsel for the petitioner contends that though the petitioner fulfils all the requisite conditions to pursue B.Ed. Course in terms of G.O.Ms.No.342, dated 30.08.1977 and submitted a representation to permit him to pursue B.Ed. Course, the respondents are not passing any orders on the same nor permitting him to pursue B.Ed. Course. The learned counsel, therefore, contends that appropriate orders be passed in the writ petition directing the respondents to permit the

petitioner to pursue and acquire B.Ed. Course in terms of G.O.Ms.No.342, dated 30.08.1977.

On the other hand, the learned Government Pleader for Services submitted that the 2nd respondent - Director of School Education, Hyderabad, vide proceedings dated 04.01.2019 has directed the 1st respondent – District Educational Officer, Rajanna Sircilla District, to examine the case of the petitioner with reference to G.O.Ms.No.342, dated 30.08.1977 and take necessary action and, therefore, contends that in pursuance of the said proceedings dated 04.01.2019, the case of the petitioner will be considered and appropriate orders would be passed in accordance with law in terms of G.O.Ms.No.342, dated 30.08.1977.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation dated 29.10.2018 submitted by the petitioner to permit him to pursue B.Ed. Course in terms of G.O.Ms.No.342, dated 30.08.1977, and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

06.02.2019.
Msr

JUSTICE ABHINAND KUMAR SHAVILI

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