

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22440 of 2005

ORDER :

This writ petition is filed seeking Writ of Mandamus declaring the action of the respondents in not releasing the salary attached to the post held by the petitioner from 01.11.1995 to 27.07.1997 as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and sought a consequential direction to the respondents to release the salary of the petitioner from 01.11.1995 to 27.07.1997 together with interest and other attendant benefits and further sought the consequential service benefits from the date of joining of the petitioner i.e., from 01.11.1995 to 27.07.1997.

Heard Sri V. Vishwanatham, learned counsel for the petitioner, learned Government Pleader for School Education and Sri A. Ramakrishna Reddy, learned counsel for respondent No.5 - School.

It has been contended by the learned counsel for the petitioner that the petitioner is fully eligible and qualified to be appointed as a Secondary Grade Basic Teacher and the 5th respondent – School has advertised for the post of Secondary Grade Basic Teacher (Mathematics) and the Employment Exchange was pleased to sponsor the name of the petitioner for the said post. The petitioner after undergoing the regular

selection process was selected and appointed as Secondary Grade Basic Teacher (Mathematics) in the 5th respondent – School on 01.11.1995. The petitioner further submits that the post advertised by the 5th respondent – School was a Aided Post and the petitioner was selected by the duly constituted Selection Committee, which comprised of a representative of the Departmental official of the Government.

The grievance of the petitioner is that, though the 5th respondent Management submitted proposals for approving appointment of the petitioner to the competent authority i.e., respondent No.2, the 2nd respondent has not passed any orders approving appointment of the petitioner as Secondary Grade Basic Teacher (Mathematics) with effect from the date of her initial appointment i.e., 01.11.1995. The petitioner further contends that the competent authority was pleased to approve the appointment of the petitioner vide proceedings dated 28.07.1997 and thereby the petitioner was deprived of the salary attached to the Aided post of Secondary Grade Basic Teacher (Mathematics) in the 5th respondent – School i.e., from 01.11.1995 to 27.07.1997. The learned counsel for the petitioner further submits that the petitioner has submitted a representation to the respondents on 08.08.2005 requesting the competent authority i.e., respondent No.2 for approving appointment of the petitioner from the date of her initial appointment i.e. 01.11.1995 and accordingly pay salary

attached to the post of Secondary Grade Basic Teacher in Aided vacancy, but so far respondent No.2 has not passed any orders on the said representation. Therefore, the learned counsel for the petitioner contends that appropriate orders be passed directing the respondents to consider the representation dated 08.08.2005 submitted by the petitioner and pass appropriate orders by approving appointment of the petitioner from the date of her appointment i.e., from 01.11.1995.

The learned Government Pleader appearing for the respondents submits that appropriate orders would be passed on the representation dated 08.08.2005 said to have been submitted by the petitioner in accordance with law.

In view of the above said submissions made by the learned counsel for the respective parties, this Court is of the considered view that this writ petition can be disposed of directing the respondents, more particularly respondent No.2, to consider the representation dated 08.08.2005 submitted by the petitioner 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, this 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.

JUSTICE ABHINAND KUMAR SHAVILI

22.01.2019.
Msr

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