

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.7482 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“.... to issue a Writ, Order or Direction particularly one in the nature of Writ of Mandamus declaring impugned action of the Respondents in giving appointment order to the Petitioner selected against DSC 1998 after the selections and appointments for DSC 2001 are made in violation of the order of the Honourable Andhra Pradesh Administrative Tribunal at Hyderabad in O.A.No.8191 of 2000 and Batch, dated 20.08.2001 and not considering counting of his seniority before or on par with the appointees under DSC 2001 as arbitrary, totally illegal, without jurisdiction, violative of Articles 14 of the Constitution of India and consequently direct the Respondents to consider counting of Petitioner seniority who is DSC 1998 selected before or on par with the appointees under DSC 2001 in terms of the order of the Hon'ble Andhra Pradesh Administrative Tribunal at Hyderabad in O.A.No.8191 of 2000 and Batch Dated 20.08.2001 with all consequential benefits and reliefs”.

Heard Mr.SRahul Reddy, learned counsel for petitioner and the learned Government Pleader for Services-I.

It has been contended by the petitioner that he has appeared for DSC 1998 and though he was selected, appointment order was not given. When the cases of similarly situated persons were not considered for appointment even though they were selected, they have filed O.A.No.8191 of 2000 and batch and the Tribunal vide order dated 20.08.2001 disposed of the said O.As directing the respondents therein to consider provisional list for appointment to the post of Secondary Grade Teacher. Pursuant to

the orders passed in O.A.No.8191 of 2000 and batch dated 20.08.2001, the case of the petitioner was considered and he was appointed as Secondary Grade Teacher on 02.07.2003. Since the petitioner was selected pursuant to DSC 1998, his seniority ought to have been fixed along with Secondary Grade Teachers of DSC 1998, but the respondents have erroneously fixed the seniority as per DSC 2001. Therefore, the petitioner has submitted a representation and the Government had acted on the said representation and issued Memo dated 30.07.2008 directing the 2nd respondent to submit remarks on the said representation, so as to take further action. Pursuant to the said Memo, the 2nd respondent has submitted remarks on 16.08.2008. But, so far, the respondents have not passed any orders nor taken any decision with regard to fixing of seniority. Therefore, the petitioner submitted a representation on 23.01.2019.

Learned counsel for petitioner has contended that since the representation of the petitioner is pending appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner.

Learned Government Pleader appearing for respondents has contended that the case of the petitioner will be considered and appropriate orders would be passed on the representation submitted by the petitioner in accordance with law.

This Court, having considered the rival submissions, 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 23.01.2019 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 the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 09-04-2019
Prv



