

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION (TR).No.6333 OF 2017**

**ORDER:**

This writ petition is filed challenging the action of the respondents in not promoting the petitioner as Junior Assistant and promoting the 4<sup>th</sup> respondent who is junior to petitioner.

The petitioner submits that he was initially appointed as a Attender in the year 1984, whereas the 4<sup>th</sup> respondent was appointed as Attender in the year 1986. The petitioner further contends that though he is fully eligible and qualified to be appointed as Junior Assistant, the respondents without considering the case of the petitioner had issued proceedings dated 24.08.2016 nominating the name of the 4<sup>th</sup> respondent for promotion to the post of Junior Assistant along with others. In those circumstances, petitioner has filed O.A.No.3350 of 2016 before the Tribunal and the Tribunal vide orders dated 26.08.2016 was pleased to grant interim order directing the respondents not to take any action in pursuance to the proceedings dated 24.08.2016. Thereafter, during the pendency of O.A., the Tribunal for the State of Telangana was abolished and all the O.A's were transferred to this Court, including the O.A filed by the petitioner, which is numbered as WP(TR).No.6333 of 2017. Petitioner further submits that Commissioner of Collegiate Education vide Memo dated 03.10.2018 had instructed the Regional Joint Director of Collegiate Education to prepare and finalise the seniority list and then undertake the promotions.

Learned Government Pleader appearing for the respondents submits that the seniority list was prepared long back in 2012 and the case of the petitioner for promotion as Junior Assistant will be

considered in accordance with the Rules. He further submits that the Tribunal had earlier stayed the entire promotions in pursuance to the proceedings dated 24.08.2016 which is affecting the promotional chances of the other individuals. The learned Government Pleader, therefore, contends that this writ petition be disposed of directing the respondents to consider the case of the petitioner for promotion as Junior Assistant in accordance with the Rules.

Sri Mirza Safiulla Baig, learned counsel appearing for the impleaded 5<sup>th</sup> respondent submits that because of the interim orders passed by the Tribunal, the case of the 5<sup>th</sup> respondent is not being considered for promotion and contends that the interim orders passed by the Tribunal be vacated and promotions be affected in terms of the seniority list.

This Court, having considered the rival submissions of both the parties, is of the considered view that this writ petition can be disposed of directing the respondents to prepare the seniority list in pursuance to the Memo dated 03.10.2018 and affect promotions accordingly.

With these observations, the writ petition is disposed of. It is needless to observe that the case of the petitioner also shall be considered, if he is otherwise eligible. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence thereof.

**ABHINAND KUMAR SHAVILI,J**

Date: 25.02.2019  
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