

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

**W.P.No.9102 OF 2018**

**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 declaring that the petitioners are entitled for seniority in the category of School Assistant with effect from the date of promotion counseling i.e., 02.11.2005 in terms of the orders issued by the 2<sup>nd</sup> respondent in Proc.Rc.No. 1301/C3-1/2005, dt 06.08.2005 with all consequential benefits by holding the action of the 3<sup>rd</sup> respondent in issuing promotion orders to the petitioners on 02.03.2006 contrary to the instructions issued by the 2<sup>nd</sup> respondent and thereby depriving seniority over the LFL Headmasters and direct recruitees whose counseling was held after 02.11.2005 is as illegal, arbitrary, unjust, violative of Articles 14, 16 and 21 of the Constitution of India besides being opposed to rule of seniority and rule of promotion and as such unjustified, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

**Heard Sri D.Balakishan Rao, learned counsel appearing for the petitioners, and learned Government Pleader for School Education appearing for the respondents.**

**It is the case of the petitioners that initially, the petitioners were appointed as Secondary Grade Teachers during the years 1990 and 1996. They participated in the promotion counselling held on 29.11.2005 and they were entitled to be granted promotion from the date of conducting**

promotion counseling. But the 3<sup>rd</sup> respondent, contrary to the instructions issued, has promoted the petitioners with effect from 2.3.2006, thereby, the petitioners were deprived of their seniority over LFL Headmasters as well as fresh recruitees, whose counseling was held after 2.11.2005. Aggrieved by the same, the petitioners have preferred an appeal before the 2<sup>nd</sup> respondent. But, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioners submits that appropriate orders be passed in the writ petition directing the 2<sup>nd</sup> respondent to pass appropriate orders on the appeal preferred by the petitioners.

Learned Government Pleader appearing for the respondents submits that since the appeal preferred by the petitioners is pending with the 2<sup>nd</sup> respondent, the 2<sup>nd</sup> respondent would consider and pass appropriate orders, in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the 2<sup>nd</sup> respondent to dispose of the appeal preferred by the petitioners within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*Date: 7.11.2019*  
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