

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13266 of 2019

ORDER:

With the consent of both parties, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking a Writ of Mandamus, declaring the action of the respondents in not taking aggregate of both theory and practical while calculating the average in B.Ed Degree and further denying the petitioner promotion to the post of Principal, Residential School, on the ground that she could not secure I or II Class in B.Ed Degree, as arbitrary and illegal and further direct the respondents to consider the case of the petitioner for promotion to the post of Principal without insisting upon I or II Class in B.Ed Degree.

Heard learned counsel for both parties.

It has been contended by the petitioner that she is working as PGT with the respondents and she is kept as Full Additional Charge to the post of Principal. The petitioner has further submitted that as per the recruitment Rules, one of the conditions to become eligible for promotion to the post of Principal is that one must possess I or II Class B.Ed Degree. On the ground that petitioner could not secure I or II Class in B.Ed Degree, her case is not being considered for promotion to the post of Principal.

Learned counsel for the petitioner has drawn attention to the proceedings dated 27.03.1996, wherein the Standing Committee of A.P.R.E.I Society in its meeting held on 27.03.1996 had resolved to consider the cases of the candidates who have passed B.Ed. Degree in III Class also for promotion to the post of Principal. In view of the said proceedings, the case of the petitioner can be considered for promotion to

the post of Principal. Therefore, learned counsel submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Principal by duly taking into account the proceedings dated 27.03.1996.

Learned Government Pleader appearing for the respondents had submitted that the case of the petitioner will be considered, if the petitioner submits a representation, and appropriate orders would be passed on the said representation.

This Court, having considered the rival submissions made by learned counsel for both parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation, staking her claim for promotion to the post of Principal in terms of the proceedings dated 27.03.1996, within a period of two weeks from the date of receipt of a copy of this order and, upon such a representation being received, the respondents shall consider the same and pass appropriate orders, in accordance with law, within a period of four weeks thereafter.

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 SHAVILI, J