

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

W.A.No.592 of 2019

Date: 17.07.2019

Between:

N. Ravi

...Appellant

and

The State of Telangana,
Rep. by its Principal Secretary to Government,
Education Department, Secretariat,
Hyderabad, and others

...Respondents

Counsel for the appellant: Mr. D. Linga Rao

Counsel for the respondent Nos.1 and 2: GP for Education

**Counsel for the respondent Nos.3 to 9: Mr. K. Lakshman,
Assistant Solicitor General**

The Court made the following:

JUDGMENT: *(per Hon'ble Sri Justice Raghvendra Singh Chauhan)*

Mr. N. Ravi, the appellant, is aggrieved by the order dated 02.07.2019, passed by a learned Single Judge of this Court in W.P.No.13305 of 2019, wherein the appellant-petitioner had challenged his termination order, but the learned Single Judge has dismissed the writ petition on the ground of availability of an efficacious alternative remedy under Section 80 of the Andhra Pradesh Education Act, 1982 (for short, 'the Act').

Briefly, the facts of the case are that on 23.06.2009, the appellant-petitioner was appointed as a Primary Teacher in Social Science in the CRPF Public School, as per the Act, the Andhra Pradesh Educational Institutions under Private Management Rules, 1993, and the Andhra Pradesh (Integrated) Educational Rules, 1966. Subsequently, his services were confirmed. Thus, the appellant continued to teach in the said school. Subsequently, on 14.11.2014, the respondent No.4, the School, issued a notification inviting applications for the post of Junior Lecturers and teachers under various categories including Junior Lecturer (PGT/JL Economics) and School Assistant (TGT) (Social Science) through direct recruitment. The interview was scheduled on 29.11.2014 for the post of School Assistants (Social), and on 30.11.2014 for the post of Junior Lecturer (Economics). Since the appellant was interested in applying for the said posts, he submitted a representation to the respondent Nos.3 and 5, namely the IGP cum Chairman, CRPF Public School,

and the DIGP cum Manager, CRPF Public School respectively, bringing to their notice that he is eligible for being appointed as Junior Lecturer (Economics) and TGT (Social Sciences) under G.O.Ms.No.203, dated 18.06.1999. Moreover, he pointed out to them that direct recruitment cannot be undertaken when candidates are available for being appointed on promotion. Since the appellant was aggrieved by the notification, he filed W.P.No.36231 of 2014 before this Court. By order dated 01.12.2014, this Court directed that *status quo* be maintained. However, the appellant claims that subsequently he was prevailed upon by the respondents. Therefore, he withdrew the said writ petition. By order dated 27.10.2017, the writ petition was dismissed by this Court as withdrawn.

Subsequently, by order dated 26.02.2018, the appellant was directed to attend the test, the interview and the demo on 27.02.2018 along with six other candidates in order to assess their eligibility, qualification and suitability for upgradation. The appellant attended the same, and was expecting for promotion by upgradation. He was hoping that he will be appointed as P.G.T/Junior Lecturer Economics. However, to his shock and dismay, his case was overlooked while the cases of other six candidates were considered. Since the appellant was aggrieved by his non-promotion or appointment by upgradation, he filed another writ petition before this Court, namely, W.P.No.25853 of 2018. On 26.07.2018, this Court granted an interim order in the said writ petition.

According to the appellant, on 07.01.2019, the respondent Nos.7 and 8 had gone to his house in order to serve the order copy of the rejection of his promotion. They insisted his wife to receive the copy and to give the acknowledgment of the receipt. When his wife refused to do so, according to the appellant, they not only misbehaved with her, but also outraged her modesty. The appellant further claims that despite the fact that he had brought the incident to the notice of the respondents on 22.01.2019, through an email, the same was totally ignored. Therefore, his wife filed a petition before the National Commission for Women, and another petition before the National Human Rights Commission. According to the appellant, due to the fact that his wife had approached both the Commissions, as a counter-blast, his services were terminated by the respondents by order dated 29.06.2019, read with the order dated 30.06.2019. Hence, the appellant filed the present writ petition before the learned Single Judge.

As aforementioned, by order dated 02.07.2019, the learned Single Judge has dismissed the writ petition. Hence, the present appeal before this Court.

Mr. D. Linga Rao, the learned counsel for the appellant, submits that the learned Single Judge is not justified in dismissing the writ petition on the ground of availability of an efficacious alternative remedy. According to the learned counsel, despite the fact that under Section 80 of the Act, the appellant does have the remedy of approaching the competent

authority and to challenge the termination order, such petitions are kept pending for many years. Therefore, the appellant has no faith that any justice would be done to him. Hence, the appellant was justified in approaching this Court. The learned counsel further pleads that the termination order has been passed only on the basis of bias and *mala fide*, as the appellant's wife had complained against the respondent Nos.7 and 8 before the two Commissions mentioned herein above.

Heard the learned counsel for the appellant, and perused the impugned order.

Section 80 of the Act is as under:

“80. Appeal against orders of punishment imposed on employees of private institutions:

(1) Any employee who is dismissed, removed or reduced in rank may prefer an appeal against the order to the competent authority within thirty days of the receipt of order by him.

(2) The competent authority shall not interface with the order appealed against unless the order is vitiated on any one or more of the following grounds namely:-

(a) that there is no material to substantiate the charge or charges framed against the employee; or

(b) that the authority who passed the order acted with bias or *mala fides*; or

(c) that the order is perverse or arbitrary; or

(d) that no reasonable opportunity has been afforded to the employee to prove his innocence;

Provided that the competent authority shall not pass any order prejudicial to the management unless an opportunity of making a representation is given.

(3) The competent authority may, after giving notice to the management of the private institution, pass such interim orders as it deems fit, pending disposal of the appeal under sub-section (2), if it is satisfied that the employee has made out a *prima facie* case for interference.

(4) In respect of an order imposing any penalty as laid down in Sub-section (5) of Section 79 an appeal shall lie to the District Educational Officer having jurisdiction and in respect of such appeals the order appealed against shall not be set aside except on the grounds specified in sub- section (2)”

A bare perusal of the said provision clearly reveals that an efficacious alternative remedy has been provided to the appellant under the said provision. Even if the appellant is of the opinion that the impugned termination order has been passed on the basis of bias or *mala fide*, he is free to raise the said plea before the competent authority under the Act. Even if the appellant is of the opinion that the consideration of his case may be delayed unreasonably or inordinately, he still has a remedy available to him. However, generally, a litigant cannot be permitted to scuttle the procedure established by law, and to ignore the existence of competent authorities who have been bestowed with the jurisdiction to hear an appeal against the termination order.

For the reasons stated above, this Court does not find any illegality or perversity in the impugned order dated 02.07.2019. This appeal, being devoid of any merit, is hereby dismissed.

As a sequel, Miscellaneous Petitions, pending if any, shall also stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

Date: 17.07.2019

(Dr. SHAMEEM AKTHER, J)

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