

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14630 of 2019

ORDER:

With the consent of both the parties, this Writ Petition is disposed of at the admission stage.

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus declaring the action of the 1st respondent in not consider the case of the petitioner who is PH (Ortho) for promotion to the post of Principal from the post of Head of Mechanical Engineering Section in the present panel year 2018-19 under the disable quota against roster point No.6, which is carry forward vacancy meant for PH(VH) in the panel year 2017-18 is highly illegal and unjustified, with a direction to the respondents to consider the case of the petitioner who is PH (Ortho) for promotion to the post of Principal from the post of Head of Mechanical Engineering Section in the present panel year 2018-19 under the disable quota against roster point No.6, which is carry forward vacancy meant for PH(VH) in the panel year 2017-18 as per the G.O.Ms.No.42, Department for Women, Children, Disabled & Senior Citizen (DW), dated 19-10-2011 read with G.O.Ms.No.99, General Administration (Services-D) Department, dated 04-03-2013 and pass such other.....”

Heard Sri M.V.Sai Kumar, learned counsel for the petitioner and the learned Government Pleader for Services-I.

It has been contended by the petitioner that he is a physically handicapped (PH-Ortho) person and is working as Head of Mechanical Engineering Section in S.S.Government Polytechnic, Zaheerabad, Sanga Reddy. He further contends that as per G.O.Ms.No.15, Higher Education (TE) Department

dated 16-05-2018, the vacancy of the Roaster point 6(VH) was earmarked for PH(VH) for the panel year 2017-18. Since no eligible candidate was available under PH(VH) category, the said post was carried forward to the next panel year 2018-19. He further contends that as no candidate under PH(VH) category is available even in the present panel year i.e., 2018-19, as per G.O.Ms.No.42 dated 19.10.2011, the said post can be interchanged with the post of PH(Ortho) and contends that the respondents ought to have considered his case for promotion to the post of Principal by interchanging the post earmarked for PH(VH) with PH(Ortho). Therefore, he submitted a representation on 16.02.2019 requesting the respondents to consider his case for promotion to the post of Principal from the post of Head of Mechanical Engineering Section in the present panel year 2018-19 under the disable quota against Roaster point No.6, which is carry forward vacancy meant for PH(VH) in the panel year 2017-18. But so far, the respondents have not passed any orders nor his case was considered for promotion to the post of Principal.

Learned counsel for the petitioner contends 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 in terms of G.O.Ms.No.42 dated 19.10.2011 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for respondents contends that the case of the petitioner would be considered in terms of G.O.Ms.No.42 dated 19.10.2011 and appropriate orders would be passed on the representation submitted by the petitioner on 16.02.2019.

This Court, having considered the rival submissions made by the learned counsel on either side, is of the considered view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Principal in terms of G.O.Ms.No.42 dated 19.10.2011 and pass appropriate orders on the representation submitted by the petitioner on 16.02.2019 in accordance with Rules, within a period of six weeks from the date of receipt of copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

17.07.2019
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