

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.15629 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“....to set aside the order of the 5th Respondent dated 04.05.2019 by declaring the same as wholly illegal, arbitrary, unconstitutional and violative of statutory provisions of law and consequently direct the Respondent to continue the petitioner in service and further direct to pay arrears of salary and other service benefits from the date of discontinuation....”.

Heard Mr.Pratap Narayan Sanghi, the learned counsel for petitioner and the learned Government Pleader for School Education.

It has been contended by the petitioner that he was appointed as Physical Education Teacher in the 5th respondent School on 12.06.2002 and since then, he has been discharging his duties to the best satisfaction of every one concerned. While he was discharging his duties during the months of April and May, 2019, the 5th respondent had forced the petitioner to sign on an agreement and the petitioner has refused to sign. In those circumstances, the 5th respondent has issued proceedings dated 04.05.2019, which read as follows :-

“As per the agreement signed by you for the academic year 2018-19, your services ended on 30th April, 2019. As you rejected to give the willing to work for the next academic year (2019-20), your services will not be continued for the next academic year.”

Aggrieved by the said order, the petitioner has approached the 4th respondent on 07.07.2018 and made a complaint against the 5th respondent for discontinuing the services of the petitioner, which amounts to termination, as it is violative of Sections 79 and 83 of the A.P. Education Act. But, so far, the 4th respondent has not forwarded the said complaint to the 1st respondent-Government, which is the competent authority in respect of the 5th respondent School.

Learned counsel appearing for the petitioner has contended that the action of the 5th respondent in discontinuing the services of the petitioner vide order dated 04.05.2019, which amounts to termination, is illegal and arbitrary, as the said order was passed without obtaining permission from the competent authority, which is a basic requirement of Sections 79 and 83 of the A.P. Education Act. Therefore, appropriate orders be passed in the writ petition directing the 1st respondent to consider and pass appropriate orders on the complaint submitted by the petitioner.

Learned Government Pleader appearing for the respondents has submitted that the case of the petitioner will be considered and appropriate orders would be passed by the 1st respondent in accordance with law.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the petitioner to file fresh appeal before the 1st respondent within one week from the date of receipt of a copy of this order. Upon such appeal being received, the 1st respondent shall consider the same and pass appropriate orders, in accordance with law, as

expeditiously as possible, preferably within a period of eight 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 SHAVIL, J

Date: 25-07-2019
Prv



