

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.17275 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue any writ, order or direction more especially one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the representation of the petitioner dated 26.07.2019 for appointment as Secondary Grade Teacher (LP) Marathi Medium in the SC Category in Adilabad District or in Hyderabad District in the unfilled existing vacancies pursuant to the Notification No. 53/2017, dt 21.10.2017 issued by the 2nd respondent as illegal, arbitrary, unconstitutional and contrary to the provisions of T.S.Subordinate Service Rules, 1996 and consequently direct the 2nd respondent to consider the case of the petitioner for appointment to the post of Secondary Grade Teacher Marathi Medium in the SC Category for the unfilled vacancies either in Adilabad District or in Hyderabad District by duly considering the representation of the petitioner Dt 26.07.2019 and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

Heard Sri C.Hari Preeth, learned counsel appearing for the petitioner, learned Government Pleader for School Education appearing for respondents 1, 3 to 5 and learned Standing Counsel appearing for the 2nd respondent.

It is the case of the petitioner that he is fully eligible and qualified to be appointed as Secondary Grade Teacher in Marathi Medium. Pursuant to the notification dated 21.10.2017 issued by the 2nd respondent, he applied and participated in

the selection process and fared well. But the respondents are not considering his case in the unfilled vacancies since cases of some more meritorious candidates were considered.

Learned counsel appearing for the petitioner contended that one Mr. Gopal, who was appointed as Secondary Grade Teacher, has relinquished the said post. Though the petitioner is qualified to be appointed as Secondary Grade Teacher, the respondents are not considering his case in the vacancy which was ear-marked for SC Category. It is further contended that though there are many vacancies which are unfilled, for the best reasons to the respondents, the respondents are not filling the vacancies. In all fairness, the respondents have to consider the case of the petitioner for appointment to the post of Secondary Grade Teacher. Since the respondents are not considering the case of the petitioner, the petitioner submitted a representation on 26.07.2019, requesting the respondents to consider his case for appointment to the post of Secondary Grade Teacher in Marathi medium. But, the respondents are neither considering the case of the petitioner nor passing orders on the said representation.

Learned Government Pleader and learned Standing Counsel appearing for the respondents contended that since the representation submitted by the petitioner is pending

before the respondents, the respondents would consider the same 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 respondents to consider the representation submitted by the petitioner on 26.7.2019 and pass appropriate orders in accordance with law, 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.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 15.11.2019
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