

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.24668, 24690 AND 24857 of 2019

COMMON ORDER:

These three writ petitions are being disposed of by way of this common order as the issue raised in these writ petitions is one and the same.

The petitioners in these cases are seeking direction to the respondents to consider their cases for appointment by transfer to the post of Physical Directors in Government Junior Colleges as per G.O.Ms.No.79 dated 25.11.2002 by implementing the orders passed by the then Andhra Pradesh Administrative Tribunal at Hyderabad in O.A.No.6257 of 2013 dated 20.04.2016.

Counsel for the petitioners have contended that the petitioners are all working as Physical Directors Grade-II of School Education Subordinate Service and they are fully eligible and qualified to be appointed by transfer to the post of Physical Director in Government Junior Colleges. Counsel for the petitioners had further contended that the State Government had issued special Rules for the Andhra Pradesh Intermediate Education Subordinate Service *vide* G.O.Ms.No.79 dated 25.11.2002 in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and as per the said G.O., the post of Physical Director in Government Junior Colleges is included in Class-A of Category (1) and the method of appointment to the said post is by direct recruitment as well as by transfer of Physical

Directors Grade-II of School Education Subordinate Service. It is also contended that as per the said Special Rules, the petitioners are fully eligible and qualified to be considered for appointment by transfer to the post of Physical Director, but the respondents are not considering the cases of the petitioners, therefore, the petitioners have approached this Court seeking a direction to the respondents to consider their cases for appointment by transfer to the post of Physical Director in Government Junior Colleges.

Counsel for the petitioners further contended that similar issue fell for consideration before the then Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.5298 of 2013 and the Tribunal *vide* orders dated 15.03.2016, was pleased to allow the O.A and thereafter the matter was carried for judicial review before this Court by filing W.P.No.35063 of 2017 and this Court was pleased to dismiss the said writ petition *vide* orders dated 24.10.2017 confirming the orders passed by the Tribunal. Therefore, counsel for the petitioners contends that appropriate orders be passed in these writ petitions directing the respondents to consider the cases of the petitioners for appointment by transfer to the post of Physical Director in Government Junior Colleges in terms of the special Rules issued *vide* G.O.Ms.No.79 dated 25.11.2002.

Government Pleader appearing for the respondents had contended that the Rules issued *vide* G.O.Ms.No.79 dated 25.11.2002 provide for appointment to the post of Physical Director in

Government Junior Colleges from among the Physical Directors Grade-II working in School Education Subordinate Service, but the School Assistants are not eligible for appointment to the post of Junior Lecturer, therefore, the 2nd respondent sought clarification from the 1st respondent.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that as long as there is a Rule in the form of G.O.Ms.No.79 dated 25.11.2002 creating a channel for appointment by transfer of Physical Director Grade-II working in School Education Subordinate Service, to the post of Physical Director in Government Junior Colleges, the petitioners are entitled for being considered for appointment to the post of Physical Director in Government Junior Colleges in terms of G.O.Ms.No.79 dated 25.11.2002.

Accordingly, the writ petitions are allowed directing the respondents to consider the cases of the petitioners for appointment by transfer to the post of Physical Director in Government Junior Colleges strictly in terms of G.O.Ms.No.79 dated 25.11.2002. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24.12.2019
v v