

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.31454 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondents in issuing impugned order Rc.No.Z-VI/ 812/ SGP/ 2016, dated 10.05.2018 changing the dates of regularization and probation from 24.10.1984 and 23.10.1986 to 16.10.1992 and 15.10.1994 without giving any notice and any opportunity to the petitioner, even though she is having required qualifications, is illegal, arbitrary and violative of Articles 14 and 16 of the constitution of India and consequently set aside the impugned proceedings Rc.No.Z-VI/ 812/ SGP/ 2016, dated 10.05.2018 of the 2nd respondent”.

Heard Mr.J.M.Naidu, learned counsel for petitioner and Sri N.Bhupal Reddy, learned Standing Counsel for respondents 2 and 3.

It has been contended by the petitioner that she was appointed as Post Graduate Teacher on 25.07.1984 on permanent basis after following due selection process. Her services were regularized with effect from 24.10.1984. She is eligible for automatic advance scheme benefits on completion of 6 years, 12 years and 18 years of service in terms of G.O.Ms.No.38 dated 26.05.2007.

The grievance of the petitioner is that the dates of regularization of the petitioner were altered from 24.10.1984 to 23.10.1986 and from 16.10.1992 to 15.10.1994.

Learned counsel for petitioner contended that the respondents ought not to have altered the dates of regularisation without issuing any notice or giving opportunity to the petitioner. Therefore, appropriate orders be passed in the writ petition by

setting aside the impugned order dated 10.05.2018 as the same was passed without following the principles of natural justice.

Learned Standing Counsel appearing for respondents has contended that the petitioner was initially appointed on temporary basis during the year 1984 and she was appointed on regular basis during the year 1986. After verifying the record, the 2nd respondent has passed the impugned order altering the dates of probation and therefore, the question of giving opportunity to the petitioner does not arise. Hence, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions, is of the considered view that admittedly the 2nd respondent has passed the impugned order without issuing any notice and without following the principles of natural justice. Therefore, on this sole ground, the impugned order is liable to be set aside and the same is accordingly set aside. However, the respondents are given liberty to pass orders in accordance with the Rules after giving opportunity to the petitioner.

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: 28-03-2019
Prv

