

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.47945 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Principal in the existing vacancy, in pursuance of the orders issued by respondent No.1 *vide* G.O.Rt.No.118 dated 1.10.2018, as illegal, arbitrary, discriminatory and in violation of Articles 14 and 16 of the Constitution of India.

Heard Sri Srinivasa Rao, counsel appearing for petitioner and the Government Pleader appearing for respondents.

It has been contended that the petitioner was initially appointed as lecturer in GCTE, Mahaboobnagar, and subsequently, he was posted as FAC DEO of Mahaboobnagar on 10.7.2015 as regular District Educational Officer. While working as such, a charge memo was issued to the petitioner stating that while he was working as District Educational Officer, Mahaboobnagar, he has issued irregular modification transfer orders in respect of the teachers in Mahaboobnagar, after completion of the teachers transfer counselling in deviation of guidelines/rules stipulated in G.O.Ms.No.12 School Education Department dated 16.6.2015. The petitioner submitted his explanation on 20.10.2015 to the said charge memo. Without considering his explanation, without following the procedure as contemplated under the rules, the enquiry officer submitted his report on 29.5.2017 holding that the charge framed against the petitioner is proved. In pursuance of the said report, the show

cause notice dated 21.7.2017 was issued and the petitioner submitted his explanation on 20.9.2017 requesting to drop further action. However, the 2nd respondent issued proceedings dated 31.10.2017 imposing the punishment of stoppage of one annual grade increment without cumulative effect. Aggrieved against the same, the petitioner preferred an appeal before the respondent No.1. Pursuant to the appeal, the respondent No.1 issued Memo dated 22.11.2017 directing respondent No.2 to take necessary action in the matter. The petitioner again submitted a representation on 3.8.2017 before the respondent No.1. So far no orders have been passed on the said representation. The petitioner filed writ petition No.30727 of 2018 questioning the action of the respondent No.1 in not disposing of his appeal dated 10.11.2017 and the said writ petition was disposed of on 29.8.2018.

Learned counsel for the petitioner submitted that the respondent No.1 issued G.O.Ms.No.118 dated 01.10.2018 keeping the punishment imposed against the petitioner in abeyance and remitted the matter to the Enquiry Officer. The grievance of the petitioner is that as the punishment imposed against the petitioner is kept in abeyance, the respondents ought to have considered the case of the petitioner for promotion to the post of Principal on par with his juniors, in the existing vacancies, strictly in terms of G.O.Ms.No.257 General Administration (Ser.C) Department, dated 10.6.1999.

Learned Government Pleader appearing for respondents has contended that the case of the petitioner would be considered for

promotion in terms of G.O.Ms.No.257 dated 10.06.1999 and appropriate orders will be passed in accordance with law.

This Court, having considered the rival submissions of the parties, 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, strictly in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

2nd January, 2019

Slk



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Date: 02/01/2019

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