

HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 24380 OF 2020

Between:

B. Ravindra Naik, S/o. Mansingh, aged About 41 years, Hostel Welfare Officer Grade-II, Government ST Boys Hostel, Medchal, Medchal-Malkajgiri District.

...PETITIONER

AND

1. The District Tribal Development Officer /Nodal Officer, Rangareddy District at Hyderabad
2. The District Collector (TW), Rangareddy District, Hyderabad.
3. The Commissioner of Tribal Welfare, State of Telangana, Hyderabad.
4. State of Telangana, represented by its Principal Secretary, Tribal Welfare Department, Secretariat, Hyderabad.
5. K. Narender, Hostel Welfare Officer Gr.II, C/o. District Tribal Development Officer, Rangareddy District at Hyderabad.
6. V.Sreelatha, Hostel Welfare Officer Grade-II, C/o. District Tribal Development Officer, Rangareddy District at Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the impugned final seniority list of Hostel Welfare Officers Grade-II of erstwhile Rangareddy District vide Memo. Rc.No. A/106/2020, dated 21/11/2020 as being illegal, arbitrary, void and abinitio, contrary to rules and violative of Articles 14, 16 and 21 of the Constitution of India besides being opposed to all principles of natural justice and consequently set-aside the same and hold that the placement given to the petitioner at Sl.No. 1 in the tentative seniority list of Hostel Welfare Officers of erstwhile Rangareddy District vide Memo. Rc.No. A/106/2020, dated: 4/9/2020 issued by the 1st respondent is perfectly legal, valid and in order and consequently the petitioner is entitled for promotion to the post of Hostel Welfare Officer Grade-I in preference to the unofficial respondents 5 and 6 with all consequential benefits.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to consider the case of the petitioner for promotion to the post of Hostel Welfare Officer grade-I in the existing or future vacancies in preference to the unofficial respondents 5 and 6 by suspending the operation of the impugned final seniority list of Hostel Welfare Officers Grade-II vide Memo. Rc.No. A/106/2020, dated: 21/11/2020 in so far as placements given to the petitioner and the unofficial respondents are concerned.

Counsel for the Petitioner: SRI D. BALA KISHAN RAO

Counsel for the Respondents: GP FOR SERVICES-II

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL

W.P.No.24380 OF 2020

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 impugned final seniority list of Hostel Welfare Officers Grade-II of erstwhile Rangareddy District vide Memo Rc. No.A/106/2020 dated 21/11/2020 as being illegal, arbitrary, void and abinitio, contrary to rules and violative of Articles 14, 16 and 21 of the Constitution of India besides being opposed to all principles of natural justice and consequently set aside the same and hold that the placement given to the petitioner at Sl.No.1 in the tentative seniority list of Hostel Welfare Officers of erstwhile Rangareddy District vide Memo Rc.No. A/106/2020, dated 4/9/2020 issued by the 1st respondent is perfectly legal, valid and in order and consequently the petitioner is entitled for promotion to the post of Hostel Welfare Officer Grade-I in preference to the unofficial respondents 5 and 6 with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper."

Heard Sri D.Balakishan Rao, learned counsel appearing for the petitioner, and learned Government Pleader for Services-II appearing for the official respondents.

It is the case of the petitioner that he is working as Hostel Welfare Officer. The respondents have prepared a provisional seniority list and the name of the petitioner figured at serial No.1. Since his name was figured at serial No.1, the petitioner has not filed his objections to the said provisional

seniority list. Thereafter, the respondents have issued the impugned final seniority list dated 21.11.2020, wherein the name of the petitioner was figured at serial No.3 on the ground that he has not passed the departmental examinations within the stipulated period.

Learned counsel appearing for the petitioner contended that the Public Service Commission has not conducted departmental examinations. Even otherwise also, the petitioner has passed the departmental examinations within the stipulated period and the respondents ought not to have altered the position of the petitioner in the final seniority list. Aggrieved by the impugned seniority list, the petitioner has preferred an appeal before the appellate authority on 03.12.2020, but the same is not yet disposed of. On the other hand, the respondents are effecting promotions to the next cadre of Hostel Welfare Officer Grade-I. Learned counsel further contended that appropriate orders be passed in the writ petition directing the appellate authority to dispose of the appeal preferred by the petitioner within a reasonable period.

Learned Government Pleader appearing for the official respondents contended that since the appeal is pending before the appellate authority, the appellate authority 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 appellate authority to dispose of the appeal preferred by the petitioner on 03.12.2020 and pass appropriate orders thereon, within a period of four weeks from the date of receipt of a copy of this order. It is needless to say that if the appeal preferred by the petitioner is allowed by the appellate authority, then the respondents shall review the promotion in terms of the order passed by the appellate authority.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

//TRUE COPY//

SD/-CH.VENKATESWARULU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The District Tribal Development Officer /Nodal Officer, Rangareddy District at Hyderabad
2. The District Collector (TW), Rangareddy District, Hyderabad.
3. The Commissioner of Tribal Welfare, State of Telangana, Hyderabad.
4. The Principal Secretary, Tribal Welfare Department, State of Telangana, Secretariat, Hyderabad.
5. One CC to Sri. D. Bala Kishan Rao, Advocate [OPUC]
6. Two CCs to GP for Services-II, High Court for the State of Telangana. [OUT]
7. Two C.D. Copies

Prk



HIGH COURT

DATED:31/12/2020



ORDER

WP. No. 24380 of 2020

Disposing of the WP.
without costs.

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HMA
10/01/2021