

**THE HON'BLE SRI JUSTICE P. NAVEEN RAO
AND
THE HON'BLE SMT DR. JUSTICE G. RADHA RANI**

WRIT PETITION NOs. 491, 490 AND 908 OF 2002

Date:04.01.2022

W.P.No.491 of 2002:

Between:

Government of Andhra Pradesh, Rep by its.,
Principal Secretary, Education Department,
Secretariat Buildings, Hyderabad & Others.

.....Petitioners

And

Porandla Santhaiah, BC-B,
R/o. Atmakur Post, Nalgonda District,
H.T.No.17002625, and others.

.....Respondents

The Court made the following:

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COMMON ORDER: (Per Hon'ble Sri Justice P.Naveen Rao)

Heard learned Government Pleader for Services – I,
appearing for petitioners. No representation for the respondents.

2. Writ petition Nos. 491, 490 and 908 of 2002 are filed by the Government of Andhra Pradesh, challenging the orders passed by Andhra Pradesh Administrative Tribunal (for short 'the Tribunal') in O.A.Nos.6276 of 2001, 685 of 2001 and 7524 of 2000 respectively. The subject matter of the O.As., before the Tribunal concerns recruitment to the posts of Secondary Grade Teacher/ School Assistant/ Language Pandits, pursuant to D.S.C.2000 Teachers' Recruitment Notification.

3. The Tribunal disposed of the said O.As., with directions. The State filed these writ petitions aggrieved by the directions issued by the Tribunal in paragraph No.28 of the common order dated 28.09.2001, which reads as under:

"28. In the aforesaid judgment, the Tribunal upheld the validity of the second limb of Rule 13(1) (b) of the rules issued in G.O.Ms.No.72, dated 3.7.2000, subject to the following exigencies.

(a) Where candidates were selected both in DSC 1998 and DSC 2000 and in the even the selected candidates opting for selection and appointment based on DSC 1998, such vacancies cannot be treated as non-joining vacancies.

(b) The posts that remained vacant due to selection of candidates for more than one category, say both the S.G.Teacher and School Assistant, Grade-I language Pandit and Grade-II language Pandit, cannot be treated as non-joining vacancies.

(c) Where candidates were selected against each category to which they do not belong say O.C. candidate against Physically Handicapped category for the reason that this mistake occurred due to human error or mechanical error in computerization process and consequently, Appointment orders were issued to them. Such vacancies cannot be treated as non-joining vacancies".

4. This Court by order dated 04.01.2002 granted interim suspension.

5. According to learned Government Pleader, the entire selection process and appointments were completed. Thereafter, many more D.S.C.s., were conducted.

6. Writ Petition Nos. 489, 570 and 585 of 2002, were also filed challenging another judgment of the Andhra Pradesh Administrative Tribunal, but concerning the very same D.S.C. 2000 Teachers' Recruitment Notification. Having regard to the long lapse of time from the date of recruitment notification, this Court by order dated 26.10.2016 has set aside the order of the Tribunal and allowed the writ petitions.

7. In these writ petitions also, in view of the interim order granted by this Court, the directions issued by the Tribunal were not implemented and as reported by learned Government Pleader, the selections to said posts were finalized based on the original understanding of the petitioners and without regard to the directions issued by the Tribunal. Having regard to the same, we are not inclined to upset the selections and appointments made long ago. The Writ Petitions are accordingly allowed. However, the principle of law decided by the Tribunal is left open to be urged in the appropriate proceedings. Miscellaneous petitions, pending if any, shall stand closed.

P. NAVEEN RAO, J

DR. G. RADHA RANI, J

5Th January, 2022
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