

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

**TUESDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE K. SARATH**

WRIT PETITION NO: 12096 OF 2004

Between:

N.Anjaiah, S/o Gangaram, S.G.T.Teacher Primary School, Konduru,
Nizamabad District.

...PETITIONER

AND

1. The Director of School Education, Andhra Pradesh, Hyderabad.
2. The Chief Executive Officer, Zilla Parishad, Nizamabad District.
3. The Government of Andhra Pradesh, rep. by its Secretary, Education Department, Secretariat, 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 of Certiorari calling for the records pertaining to the impugned Judgment dated 15-3-2004 in O.A.No.4763/1999 on the file of the A.P. Admn. Tribunal and quash the same and consequently declare that the petitioner is entitled for pay protection and other consequential benefits by computing his past service rendered in the aided management.

I.A. NO: 1 OF 2004(WPMP. NO: 15383 OF 2004)

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 pass orders for fixing an early date for disposing of the W.P.

Counsel for the Petitioner: SRI. CH. JAGANNATHA RAO

Counsel for the Respondents: GP FOR SERVICES-I

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND

THE HON'BLE SRI JUSTICE K. SARATH

Writ Petition No.12096 of 2004

ORDER : *(Per Hon'ble Justice Abhinand Kumar Shavili)*

This writ petition is filed seeking writ of Certiorari calling for the records pertaining to the impugned judgment dated 15-03-2004 in O.A.No.4763 of 1999 on the file of the Andhra Pradesh Administrative Tribunal and quash the same and consequently declare that the petitioner is entitled for pay protection and other consequential benefits by computing his past service rendered in the aided management.

Heard Sri Ch. Jagannadha Rao, learned counsel appearing for the petitioner and learned Government Pleader for Services-I for respondents.

It has been contended by the petitioner that initially he was appointed as Secondary Grade Teacher on 06-07-1970 in Harijana Sudhar Samithi Primary School, Nizamabad District and the said post was

grant in aid post. Subsequently, in DSC, 1975 the petitioner was selected as S.G. Teacher in Z.P. High School, Nizamabad district. The grievance of the petitioner is that the earlier service rendered by him in grant in aid post was not counted and his earlier pay was also not protected. When the grievance of the petitioner was not resolved, the petitioner herein has filed O.A.No.4763 of 1999 before the Andhra Pradesh Administrative Tribunal and the Tribunal vide orders dated 15-03-2004 was pleased to dismiss the case without appreciating any of the contentions raised by the petitioner.

Learned counsel appearing for the petitioner had contended that as per Rule 22(c) of A.P. Revised Pension Rules, 1980 also the petitioner is entitled for pay protection of his past service, which he has rendered in an aided post. The Tribunal without appreciating any of the contentions raised by the petitioner, mechanically dismissed the O.A., therefore,

prayed to pass appropriate orders directing the respondents to consider the case of the petitioner for grant in aid service benefit from 1970 to 1975 and also extend pay protection in favour of the petitioner.

Learned Government Pleader had contended that if the petitioner submits a fresh representation to the respondents, the respondents will consider the same and pass appropriate orders, in accordance with law.

This Court having considered the rival submissions made by the parties is of the considered view that this writ petition can be disposed of directing the petitioner to submit fresh representation to the respondents to consider his claim for counting grant in aid service from 1970 to 1975 along with pay protection within a period of two (2) weeks from the date of receipt of a copy of this order and upon such representation made by the petitioner, respondents shall consider and pass appropriate orders, in

accordance with law in another eight (8) weeks thereafter.

In view of the above, this writ petition is disposed of. No costs.

As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

SD/-T.SRINIVAS
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Director of School Education, Andhra Pradesh, Hyderabad.
2. The Chief Executive Officer, Zilla Parishad, Nizamabad Distict.
3. The Secretary, Education Department, Secretariat, Hyderabad.
4. One CC to Sri. Ch Jagannatha Rao, Advocate [OPUC]
5. One CC to Sri. Jyothi Eswar Gogineni, Advocate [OPUC]
6. Two CCs to GP for Services-I, High Court for the State of Telangana. [OUT]
7. Two CD Copies
8. One Spare Copy

PV
LS

Handwritten signature/initials

HIGH COURT

DATED: 23/08/2022

ORDER

WP.No.12096 of 2004



WRIT PETITION IS DISPOSED OF
NO COSTS

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21/12/22
HVS