

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
HON'BLE SRI JUSTICE N.V.SHRAVAN KUMAR**

W.P.No.6041 OF 2008

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

This writ petition is filed seeking the following relief:

“...to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to and connected with the orders in O.A.No.4987 of 2005 with VMA No.1118 of 2005, dated 12.09.2006 on the file of the A.P.Administrative Tribunal, Hyderabad, and to quash and set aside the same by holding as erroneous and contrary to law and pass such order or further orders as deem fit and proper in the circumstances of the case.”

It is the case of the petitioners that initially, the respondents were appointed as Secondary Grade Teachers in pursuance of DSC-2006. The petitioner-authorities have rightly fixed the seniority of the respondents based upon the roster. But the respondents have challenged the seniority list before the Andhra Pradesh Administrative Tribunal by filing O.A.No.4987 of 2005 contending that the seniority list should be prepared based on the merit as per Rule 33 (b) of

A.P.State Subordinate Service Rules, 1996. Without appreciating any of the contentions raised by the petitioners, the Tribunal has mechanically allowed the said OA *vide* order dated 12.09.2006 and unsettled the settled seniority list. Hence, the writ petition.

Learned counsel appearing for the petitioners had contended that appropriate orders be passed in the writ petition by setting aside the order dated 12.09.2006 passed in O.A.No.4987 of 2005.

Learned counsel appearing for the respondents had contended that since the petitioners have erroneously fixed the seniority list, the Tribunal has rightly set aside the seniority list and directed the petitioners to fix the seniority based upon the merit in terms of Rule 33(b) of A.P.State Subordinate Services Rules by following the law laid down by the Apex Court in *Bimlesh Tanwar v. State of Haryana and others*¹. There are no merits in the writ petition and the same is liable to be dismissed.

¹ (2003) 5 SCC 604

Learned counsel for the respondents had further contended that W.P.No.4465 of 2019 was filed before this Court to fix the seniority based upon the merit in terms of Rule 33 (b) of A.P.State Subordinate Services Rules, and this Court allowed the said writ petition on 09.09.2019 directing the respondents therein to fix the seniority based upon the merit in terms of Rule 33 (b) of A.P.State Subordinate Services Rules. Since the issue involved in this writ petition is squarely covered by the order dated 09.09.2019 passed by this Court in W.P.No.4465 of 2019, this writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the Tribunal was justified in allowing the OA preferred by the respondents and directed the petitioners to follow the merit while fixing the seniority list in terms of Rule 33 (b) of A.P.State Subordinate Services Rules by following the law laid down by the Apex Court in *Bimlesh Tanwar v. State of Haryana*

and others. Therefore, this Court is not inclined to interfere with the impugned order passed by the Tribunal.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

ABHINAND KUMAR SHAVILI,J

N.V.SHRAVAN KUMAR,J

Date: 21.07.2022
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