

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.29228 of 2013

ORDER:

The petitioner filed the present Writ Petition seeking a Writ of Mandamus to declare the proceedings *vide* R.C.No. 4040/B1/2013 dated 10.09.2013 issued by the 3rd respondent promoting the 6th and 7th respondents to the post of School Assistants (Science) as illegal, arbitrary, discriminatory, violation of principles of natural justice and also violative of Articles 14,16 and 21 of the Constitution of India and also violation of G.O.Ms.No.40, Education Department, dt.:18.06.2013 and direct the respondents to promote the petitioner to the post of School Assistants (Science) with all consequential benefits.

2. On 22.06.2022, 29.06.2022 and 02.08.2022 and 03.08.2022 there is no representation on behalf of the petitioner when the case is called. Today i.e., on 04.08.2022 when the matter is called both in the morning and also in the afternoon, after being passed over, there is no representation on behalf of the petitioner when the case is called.

3. This Court *vide* its Order dated 09.10.2013 in W.P.M.P.No.36307 of 2013 was pleased to pass order observing as follows:

“Respondents are directed to consider the case of the petitioner for promotion to the post of School Assistant (Science) in any available vacancies in the 5th Respondent-School, subject to Rules pending disposal of the Writ Petition.”

4. The learned counsel for respondent Nos.1 to 4/the learned Government Pleader for School Education appearing for Respondent Nos.1 to 4 bring to the notice of this Court that W.V.M.P.No.115 of 2014 in W.P.M.P.No.36307 of 2013 in W.P.No.29228 of 2013 has been filed by the official respondents herein praying the Court to vacate the Interim Orders dated 09.10.2013 passed in W.P.M.P.No. 36307 of 2013 in W.P.No.29228 of 2013. The learned Government Pleader also brings to the notice of this Court the Proceedings of D.E.O., Khammam, R.C.No.10599/A4/ 2013-1 dated 09.12.2013 and informs the Court that Orders of this Court had been complied with and the case of the petitioner has been considered and orders passed observing as follows:

“The petitioners Sri.V. Satynarayana Murthy, SGT Sri Ramachandra, High School (Branch) Kothagudem is having only Chemistry as main and Zoology as ancillary.

In view of the above, it is informed that the petitioner in question does not possess the requisite qualification to promote as School Assistant, Biology Science, as per G.O.Ms.No.4, dated 09.01.2012.

In view of the above, his request is not feasible for consideration as per Rules.”

5. In view of the fact that in compliance to the Orders of this Court dated 09.10.2013 in W.P.M.P.No.36307 of 2013 the D.E.O., Khammam passed Proceedings vide R.C.No.10599/A4/2013-1, dated 09.12.2013, the writ petition is dismissed as infructuous giving liberty to the petitioner to pursue the remedy available to the petitioner in the event the petitioner is aggrieved by the said Proceedings dated 09.12.2013. There shall be no order as to costs.

6. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

MRS JUSTICE SUREPALLI NANDA

04th August, 2022
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HONOURABLE MRS. JUSTICE SUREPALLY NANDA

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