

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

FRIDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE PULLA KARTHIK
WRIT PETITION NO: 32599 OF 2014**

Between:

1. State of Telangana, rep. by its Principal Secretary, School Education Department, Secretariat, Hyderabad.
2. The Commissioner and Director of School Education, Government of Telangana, Hyderabad.
3. The District Educational Officer, Adilabad, Adilabad District

...PETITIONERS/RESPONDENTS IN OA.No.98/2009

AND

1. A.Devaiah, S/o Pochaiah, S.G. Teacher, Primary School, Chintaguda, Jannaram Mandal Adilabad District.

...RESPONDENTS/APPLICANT IN OA.No.98/2009

2. A.P. Administrative Tribunal, rep. by its Registrar, Purani Haveli, Hyderabad.
3. The Chief Executive Officer, Zilla Parishad, Adilabad, Adilabad District.

(R3 is formal party)

...RESPONDENTS/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 an appropriate writ or direction more particularly one in the nature of "WRIT OF CERTIORARI" calling for the records relating O.A. No.98/2009 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal and to quash or set aside the order dated 16-06-2011 in O.A.No.98/2009 by holding the same as erroneous and contrary to law

I.A. NO: 1 OF 2014(WPMP. NO: 40758 OF 2014)

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 suspend the orders dated 16-06-2011 in O.A.No.98/2009, on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, pending final disposal of the writ petition.

Counsel for the Petitioners: SRI. GP FOR SERVICES I (TG)

Counsel for the Respondent No.1: SRI. BANDA PRASADA RAO

Counsel for the Respondent No.2 and 3:----

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

Writ Petition No.32599 of 2014

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

This Writ Petition is filed by the petitioners under Article 226 of the Constitution of India seeking a *Writ of Certiorari* by calling for the records relating to O.A.No.98 of 2009 on the file of the Andhra Pradesh Administrative Tribunal, at Hyderabad (for short, 'the Tribunal') and to quash the same by setting aside the order dated 16.06.2011 passed in O.A.No.98 of 2009 by holding the same as erroneous and contrary to law.

2. Heard the learned Government Pleader for Services-I, for the petitioners and Mr. B. Prasada Rao, learned counsel for the 1st respondent.

3. Learned Government Pleader for the petitioners contended that the 1st respondent was working as Secondary Grade Teacher (S.G.T.), and he had relinquished his promotion in the 2009; thereafter, the petitioners have not considered the case of the 1st respondent for promotion on the ground that earlier, the

1st respondent had relinquished his promotion; in those set of circumstances, the 1st respondent had approached the Tribunal by filing O.A.No.98 of 2009; the Tribunal, vide order dated 16.06.2011, was pleased to dispose of the O.A. in favour of the 1st respondent by directing the petitioners to consider the case of 1st respondent for promotion in terms of G.O.Ms.No.145, dated 14.06.2004, without appreciating any of the contentions raised by the petitioners; and therefore, prayed this Court to pass appropriate orders in the Writ Petition by setting aside the order passed by the Tribunal in O.A.No.98 of 2009, dated 16.06.2011, and allow the Writ Petition.

4. On the other hand, learned counsel for the 1st respondent contended that as per G.O.Ms.No.145, dated 14.06.2004, an employee who has relinquished his promotion, his case can be considered in the subsequent years, and the Tribunal has merely directed the petitioners to consider the case of the 1st respondent for promotion in terms of G.O.Ms.No.145, dated 14.06.2004; therefore, the Tribunal has rightly directed the petitioners to consider the case of 1st respondent for promotion in terms of G.O.Ms.No.145, dated 14.06.2004; and therefore, there are no merits in the Writ Petition, and the same is liable to be dismissed.

5. This Court, having considered the submissions made by the parties, is of the considered view that the State Government has issued G.O.Ms.No.145, dated 14.06.2004, wherein it was clearly stated that in case the persons who have relinquished their promotions, their cases can be re-considered for promotion; and the Tribunal has merely directed the petitioners to consider the case of 1st respondent for promotion in terms of G.O.Ms.No.145, dated 14.06.2004. Therefore, the Tribunal was justified in allowing the O.A. in favour of the 1st respondent. Therefore, this Court is not inclined to interfere with the order passed by the Tribunal in O.A.No.98 of 2009, dated 16.06.2011. Accordingly, the Writ Petition is dismissed. No costs.

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

SD/- K.SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

GP
SECTION OFFICER

To,

1. Two CCs to GP for Services I, High Court for State of Telangana, [OUT]
2. One CC to Sri. Banda Prasada Rao, Advocate [OPUC]
3. Two CD Copies

TJ

GJP

Bsk

HIGH COURT

DATED:06/01/2023

ORDER

WP.No.32599 of 2014



DISMISSING THE WRIT PETITION
WITHOUT COSTS.

6 Copies

BSK
27/1/23