

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

Writ Petition No.37535 of 2014

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

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking a *Writ of Mandamus* to declare the action of petitioner that when the 1st respondent was qualified for the Urdu Fazil (with English) from Idara-E-Adabiyat-E-Urdu which is not equivalent to Intermediate Course from 2002 onwards, the order passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal') in O.A.No.4877 of 2013, dated 19.09.2014 is liable to be set aside.

2. Heard Mr. K. Srinivasa Rao, learned Standing Counsel for Telangana State Board of Intermediate Education, for the petitioner, and Mr. Naik V. Ramesh, learned counsel for the 1st respondent.

3. Learned counsel for the petitioner contended that the 1st respondent was working as Record Assistant and he was seeking promotion to the post of Junior Assistant whereby the respondent was claiming to have acquired Urdu Fazil certificate issued by Idara-E-Adabiyat-E-Urdu, Hyderabad; the said

certificate is equivalent to two-year Intermediate Course; when the case of 1st respondent was not considered for promotion to the post of Junior Assistant by treating the said certificate is not equivalent to Intermediate Course, the 1st respondent approached the Tribunal by filing O.A.No.4877 of 2013; the Tribunal, vide order dated 19.09.2014, was pleased to allow the O.A. in favour of the 1st respondent by directing the employer to consider the case of 1st respondent for promotion to the post of Junior Assistant by treating the said Urdu Fazil certificate issued by Idara-E-Adabiyat-E-Urdu, Hyderabad as equivalent to Intermediate Course, without appreciating the fact that petitioner has never recognized the said certificate as equivalent to Intermediate Course after 2002; the petitioner-Board has taken a decision on 27.12.2002 that from 2002 onwards no equivalency certificate to Urdu Fazil certificate being issued by Idara-E-Adabiyat-E-Urdu, Hyderabad, would be granted by treating it as equivalent to Intermediate Course; in spite of the same, the Tribunal had mechanically allowed the O.A. in favour of the 1st respondent; 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.4877 of 2013, dated 19.09.2014, and allow the Writ Petition.

4. On the other hand, learned Standing Counsel for the 1st respondent contended that the Tribunal has allowed the O.A. in favour of the 1st respondent by following a Government Memo dated 11.07.2006 wherein the State Government had clarified that the Urdu Fazil certificate issued by Idara-E-Adabiyat-E-Urdu, Hyderabad is to be considered as equivalent to Intermediate Education for the period 1999-2000 to 2004-2005 only; admittedly, the 1st respondent had obtained the Urdu Fazil certificate in May, 2004 which was covered by the Government Memo dated 11.07.2006; and based upon the said Government Memo, the Tribunal allowed the O.A. in favour of the 1st respondent; and therefore, contended that there are no merits in the Writ Petition and the same is liable to be dismissed.

5. This Court, having considered the rival submissions made by the parties, is of the considered view that the 1st respondent had approached the Tribunal challenging the inaction of his employer in considering his case for promotion to the post of Junior Assistant without treating the Urdu Fazil certificate as equivalent to Intermediate Education.

6. We are unable to understand how the petitioner is aggrieved by such a direction given by the Tribunal. In fact, the petitioner has no grievance at all, and the direction given by the

Tribunal to the employer was to consider the case of 1st respondent for promotion to the post of Junior Assistant by treating the Urdu Fazil certificate as equivalent to Intermediate Course basing on the Government Memo dated 11.07.2006. Moreover, the Government is superior to the petitioner. When the Government has taken a decision and clarified that the Urdu Fazil certificate is equivalent to Intermediate Education, the petitioner cannot contend that the Urdu Fazil certificate is not equivalent to Intermediate Course. Therefore, this Court is of the considered view that the present Writ Petition is totally misconceived and without merit. Accordingly, the Writ Petition is dismissed. No costs.

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

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK, J

Date : 09.01.2023
Ndr