IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

HON'BLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NOS: 17814 OF 2020 & 13700 OF 2021

WRIT PETITION NO: 17814 OF 2020

Between:

Shaik Mahilbulla Shareef, S/o. Shaik Ibrahim Shareef, aged about 45 years, Occ- Language Pandit Telugu, MPP Up School, Kanthlivari Podu, Sakhinetipalli Mandal, East Godavari District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, School Education Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner and Director of School Education, Ibrahimpatnam, Krishna District, A.P.
3. The District Educational Officer, Kakinada, East Godavari District

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus to declare the action of the 2nd respondent proceedings No. R.C.No.13025/6/2019-EST 3-CSE dated 26-02-2020 and consequential order of the 3rd respondent by vide L.Dis.No.3598/D3/2019 dated 17-03-2020 in rejecting the claim of the petitioner for according notional seniority on par with DSC-2012 candidates

as illegal, arbitrary and contrary to the Law and Violative of Article 14, 16 and 21 of the constitution of India and set aside the same and consequently direct the respondents to accord the notional seniority on par with DSC-2012 candidates along with notional fixation of pay and monetary benefits with all consequential benefits.

IA NO: 1 OF 2020

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 1st respondent to consider the case of the petitioner for notional seniority on par with DSC-2012 candidates by keeping in view of the orders of the Hon'ble Court in W.P.No.2977 of 2016 dated 28-09-2018 and also several memo's issued in similar cases by the 1st respondent.

Counsel for the Petitioner: SRI. G V L MURHTY

Counsel for the Respondents: GP FOR EDUCATION

WRIT PETITION NO: 13700 OF 2021

Between:

Putta Bheemeswara Rao, S/o Late Rama Rao, aged 38 years, Occ- School Assistant (Hindi), ZPHS, Kandisa, R/o Palakonda Village, R Amadalavalasa Mandal, Srikakulam District, Andhra Pradesh State.

...PETITIONER

AND

1. The State of Andhra Pradesh, , Rep. by its Principal Secretary, School Education Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The Commissioner and Director of School Education, School Education Department, Ibrahimpatm, Krishna District.

3. The Regional Joint Director, School Education Department, Visakhapatnam, Visakhapatnam District.

4. The District Educational Officer, Srikakulam District, Srikakulam.

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declare the orders of the 3rd respondent in Rc.No.357/A3/2019 dt 04.01.2021 which are issued as per the directions of the 2nd respondent inPro.Rc.No.13022/25/2019-EST3-CSE,Dt.09.05.2019 of the CE, AP, Amaravathi and rejecting the claim of the petitioner for notional service, pay fixation and monitory benefits with affect from 27.12.2012 on par with other selected candidates as School Assistant (Hindi) in DSC 2012 as illegal, arbitrary, Unilateral, and unjust and set aside the same and consequently direct the respondent to issue notional service to the petitioner with affect from 27.12.2012 and grant him pay fixation regularization of services and monitory benefits.

IA NO: 1 OF 2021

Petition under Section 151 CPC is filed 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 passed by the orders of the 3rd respondent in Rc.No.357/A3/2019 dt 04.01.2021 which are issued as per the directions of the 2nd respondent in Pro.Rc.No.13022/25/2019-EST3-CSE, Dt.09.05.2019 of the CE, AP, Amaravathi rejecting the claim of the petitioner for notional service and other monitory benefits.

Counsel for the Petitioner: SRI G V L MURHTY

Counsel for the Respondents: GP FOR EDUCATION

The Court made the following: COMMON ORDER

APHC010270142020

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3310]**
(Special Original Jurisdiction)

WEDNESDAY ,THE EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 17814/2020 & 13700/2021

Between:

Shaik Mahilbulla Shareef, **...PETITIONER**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1.G V L MURHTY

Counsel for the Respondent(S):

1.GP FOR EDUCATION

The Court made the following:

COMMON ORDER :

When the matters are taken up for hearing, learned counsel appearing for the petitioners, submits that, these matters are squarely covered by a common order this Court dated 16.08.2022 passed in W.P.No.25569 of 2022. Therefore, learned counsel requests this Court to pass similar order in these writ petitions also.

2. Learned Government Pleader for Education, appearing for the respondents does not refute the said submission.

3. This Court, vide order, dated 16.08.2022 has disposed of WP No.25569/2022. The operative portion of the said order, reads as under:

> *"..Having regard to the facts and circumstances of the case and without touching the merits of the case, petitioners are directed to file fresh representation before the respondents within fifteen (15) days from the date of receipt of the order. Thereafter, the respondents are directed to pass appropriate orders within a stipulated period of six(06) weeks from the date of receipt of representation, in accordance with law.*
>
> *Accordingly, the writ petition is disposed of at the admission stage. No costs..."*

4. So, in view of the submissions of both the learned counsels and by following the order of this Court dated 16.08.2022 passed in W.P.No.25569 of 2022, this Court is inclined to dispose of these writ petitions in terms of said order passed by this Court.

5. Accordingly, both the Writ petitions are disposed of in terms of the said order dated 16.08.2022 passed in W.P.No.25569 of 2022.

6. The Registry is directed to attach a copy of the order passed by this Court in W.P.No.25569 of 2022, dated 16.08.2022.

7. As a sequel, interlocutory applications, if any pending, shall stand closed.

Sd/- K.KASI RAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, School Education Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The Commissioner and Director of School Education, School Education Department, Ibrahimpatm, Krishna District.
3. The Regional Joint Director, School Education Department, Visakhapatnam, Visakhapatnam District.
4. The District Educational Officer, Srikakulam District, Srikakulam.
5. The District Educational Officer, Kakinada, East Godavari District
6. One CC to Sri G V L Murthy, Advocate [OPUC]
7. Two CCs to GP for Education, High Court of Andhra Pradesh. [OUT]
8. Three CD Copies

(Along with a copy of order dt. 16.08.2022 in WP No. 25569 of 2022)

TF

HIGH COURT

DATED:08/01/2025

COMMON ORDER

WP.Nos.17814 of 2020 & 13700 of 2021



DISPOSING OF THE W.P.s WITHOUT COSTS

THE HON'BLE Dr. JUSTICE K. MANMADHA RAO

WRIT PETITION No.25569 of 2022

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India, seeking to declare the action of the respondents in not extending the benefit of old pension scheme under A.P. Revised Pension Rules, 1980 in favor of the petitioners on par with similarly situated persons who were appointed prior to 01.09.2004 as illegal and arbitrary.

2. Heard learned counsel for the petitioners, learned Government Pleader for Services - III for respondents 1 and 2 and learned Government Pleader for Services - I for respondent No.3.

3. Having regard to the facts and circumstances of the case and without touching the merits of the case, petitioners are directed to file fresh representation before the respondents within fifteen (15) days from the date of receipt of the order. Thereafter, the respondents are directed to pass appropriate orders within a stipulated period of six (06) weeks from the date of receipt of representation, in accordance with law.

4. Accordingly, the Writ Petition is disposed of at the admission stage. No costs.

As a sequel, Miscellaneous applications pending, if any, shall stand closed.

DR.JUSTICE K. MANMADHA RAO

Date: 16.08.2022
ASH