APHC010365952023

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

WEDNESDAY ,THE FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 18806/2023

Between:

Chadive Venkateswarlu, and Others **...PETITIONER(S)**

AND

The State Of A P and Others **...RESPONDENT(S)**

Counsel for the Petitioner(S):

1. V SESHA KUMARI

Counsel for the Respondent(S):

1. GP FOR SERVICES III

The Court made the following:

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

> *".....declaring the inaction of the respondents on the representation dated 12.12.2019 of the petitioners to confine the promotion to the School Assistant (English) at category 5 of class-1 to the candidates possessing English Literature at graduation at par with the language teachers in categories 6 to 16 of the same class as arbitrary, illegal, discriminatory and*

violative of Art. 14, 19 and 21 of the Constitution of India and consequently direct the respondents to confine promotions to category 5 teachers of class 1 of School Education Service to those who passed graduation in English literature and grant such other relief as may be deemed just and proper in the circumstances of the case."

2. Facts of the case, in brief, are that the petitioners are working as Secondary Grade Teachers. They all possess graduation in English Literature and B.Ed. with English language. The post of Secondary Grade Teacher is a feeder category for the post of School Assistant in the concerned subject. The petitioners possessing English as specialization in Graduation and B.Ed., are all qualified for appointment/promotion to the post of School Assistants in English. Government issued service rules vide G.O.Ms.No.12 School Education (Ser.II) Department, dated 23.01.2009, whereunder column 4 of the table under Rule 5 provides qualifications for all categories of teachers. Thereafter, Government vide G.O.Ms.No.16 Education (Ser.II) Department, dated 07.02.2015 amended the column 4 in respect of language teachers at categories 6 to 16 of Class 1 of the service, but the English language at category 5 of Class-1, was not amended.

While so, the petitioners have represented the respondents to confine the promotions to the teachers possessing qualification at the degree level as in the case of other language teachers. Though the respondents have taken decision in respect of other languages like Telugu, Hindi, Tamil etc., no decision was taken in respect of English language. The petitioners submitted

their representation on 12.12.2019 after the respondents issued G.O.Ms.No.77, dated 30.10.2019 upgrading the language teachers directly as School Assistants. Further stated that the respondents are taking up promotions every month to fill up the vacancies. Hence, the present writ petition is filed.

3. This Court vide order dated 27.07.2023 has granted interim order, which reads as under:

> *"Pending disposal of the writ petition, status quo shall be maintained by both the parties for a period of two (2) months."*

4. On the other hand, the 4th respondent filed counter along with vacate stay petition. While denying the contents of the writ petition, he stated that, the petitioners never raised objection or submitted representation to confine the promotion for Secondary Grade Teachers possessing B.A. literature in graduation and English as Methodology in B.Ed. Further stated that the Government again issued G.O.Ms.No.77, dated 30.10.2019 duly upgrading the post of Language pundits as School Assistants and promoting the SGTs and Language Pandits as School Assistants, who are having Telugu, Urdu, Kannada, Oriya, Marathi, Bangla, Sanskrit or Arabic, as Language. Then also, the petitioners have not raised any objection. The petitioners made representation on 12.12.2019 to the respondents 1 and 2 claiming that they have been representing to confine promotion to teachers possessing at

Degree level. The petitioners have not filed any kind of appeal challenging the promotion rules and G.Os. The petitioners would have acquired the prescribed qualification to get promoted as School Assistants. Further stated that on examination of qualification possessed by the petitioners, the petitioners are not entitled for promotion as School Assistants as per G.Os. in force since their appointment. Hence, sought for dismissal of the writ petition.

5. Heard Mrs.V.Sesha Kumari, learned counsel for the petitioners and learned Assistant Government Pleader for Services-III, appearing for the respondents 1 to 4.

6. Perused the material available on record.

7. On hearing the submissions made by both learned counsels, it appears that the petitioners have submitted a representation dated 12.12.2019 to the 1st respondent and it is pending before the 1st respondent. Though the 4th respondent has filed counter, he did not state anything with regard to disposal of the representation.

8. So, in view of the same, this Court feels it appropriate to dispose of the writ petition, without touching the merits of the case, directing the 1st respondent to dispose of the representation dated 12.12.2019 submitted by the petitioners, in accordance with law, within a period of three (03) months from the date of receipt of a copy of this order. Till such time, the respondents are directed not to effect any promotions in this regard.

9. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

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

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DR. K. MANMADHA RAO, J.

Date: 05.02.2025

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HON'BLE DR. JUSTICE K. MANMADHA RAO

WRIT PETITION No.18806 of 2023

Date : 05.02.2025

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