

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
ONE THOUSAND NINE HUNDERED AND NINETY NINE

: PRESENT:

THE HON'BLE MR JUSTICE B. SRI ATCHUTANANDA SWAMY

-

WRIT PETITION NO : 6282 of 1999

Between:

1. P.V. Saarojini W/o Rama Krishna Rao
2. M.V. Jagannadha Naidu S/o Applaswamy Naidu

..... Petitioners

AND

1. District Educational Officer, Guntur, Guntur District
2. Regional Joint Director of School Education, Guntur
3. Correspondent, St. Joseph's High School, Rentachintala, Guntur District
4. Correspondent, St. Mary's High School, Pedaparimi, Guntur District
5. Dy. General Manager, R.C.M. Schools, Bishop's House,
Chandramoulinagar, Guntur District

.....Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to declare the action of the first respondent in not paying the petitioners their salaries, even though their posts are grant-in-aid posts, as illegal, arbitrary and violative of Art.216 of Constitution of India and the petitioners further consequentially pray that this Hon'ble Court may be pleased to direct the first respondent to release the past salaries of the petitioners from the date of their joining their respective grant-in-aid posts and pay the same to them and this Hon'ble Court may be pleased to further direct the first respondent to continue to pay the salaries to the Writ petitioners without any break or stoppage

Counsel for the Petitioners: Sri. N. Gurugopal

Counsel for the Respondent No.1 & 2: G.P for School Education

Counsel for the Respondent No. 3 to 5: None appeared

The Court made the following

ORDER:

Aggrieved by the action of the 2nd respondent in not passing orders on the proposal sent by the management for absorption of the petitioners in

grant-in-aid posts as Hindi Pandit and Telugu Pandit Grade-II respectively, having given permission to the Management to fill up the vacancies by his proceedings Rc. No. 2942/B1/98, dated 04-08-1998, the present writ petition has been filed.

Heard the Government Pleader for School Education.

It is not in dispute that the respondents initially permitted the management to appoint these two petitioners to un-aided posts. While they are working in un-aided posts. Vacancies have arisen in the posts that were admitted to grant-in-aid. On that the management seemed to have addressed a letter to the R.J.D., seeking permission to fill up the vacancies and the R.J.D. in his proceedings stated supra accorded permission to fill up the vacancies. Thereafter, the Correspondent by his proceedings dated 11-08-1998 having absorbed the petitioners into grant-in-aid posts submitted proposal on 21-09-1998 for approval. Since then the R.J.D. did not move in the matter and with the result, the petitioners are deprived of their salaries all these days.

In the light of the circumstances, stated above, I am inclined to dispose of the writ petition by giving a direction to the 2nd respondent to pass orders on the proposal sent by the management seeking approval of the appointments, within a period of four weeks from the date of receipt of a copy of the order, if the proposal received from the correspondent is in order. It is needless to observe that the petitioners are entitled to receive their salaries from the date on which the proposal was sent by the Correspondent i.e., from 21-09-1998.

With the above direction, the writ petition is disposed of.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. District Educational Officer, Guntur, Guntur District
2. Regional Joint Director of School Education, Guntur
3. Two CC to G.P for School Education High Court of A.P Hyderabad
4. One CC to Sri. N. Gurugopal Advocate (OPUC)
5. Two C.D. copies

HIGH COURT

BSASJ

DATED: 16-08-1999

WP. NO. 6282 OF 1999

DISPOSSED OF