

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION Nos.12584 of 2001 and 4024 of 2002

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September 06, 2012

Between:

Kondepu Ankamma Rao, S/o.Venkatappaiah

... Petitioner

AND

The Secretary to Government of Andhra Pradesh,
Education (CE.II-1) Department, Secretariat, Hyderabad
And others

... Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION Nos.12584 of 2001 and 4024 of 2002

COMMON ORDER:

Both the writ petitions are filed by the same petitioner who is working in fourth respondent-College. They are heard together and are being disposed of by this common order. For the purpose of disposal of these writ petitions, the parties are referred as they are arrayed in Writ Petition No.4024 of 2002.

The petitioner herein, who was initially appointed as a Lab Boy on 12.12.1988 in second respondent – Hindu College, Guntur, and was promoted as Record Assistant with effect from 16.4.1996. He was further promoted as Steno-typist on 03.5.1999 and since then he is working as such. He is holding non-teaching aided post and his salary is being drawn from the Grant-in-aid released by the Government from time to time.

The Government has issued orders in G.O.Ms.No.203, dated 18.6.1999 in which a procedure has been notified for the selection of Junior Lecturers in Private Junior Colleges. The said G.O. appears to be issued considering certain representations made to extend the benefit of orders issued in G.O.Ms.No.302, dated 30.12.1993. Therein it is mentioned that School Assistants, S.G.B.T. Teachers and non-teaching staff working under the private management may be considered for promotion as Junior Lecturers in the Junior Colleges of the same private-management if they fulfill qualification criteria by possessing 50% marks in Post Graduate in the relevant subjects.

The first writ petition, W.P.No.12584 of 2001 is filed seeking

direction by way of mandamus to declare the action of the respondents in not promoting the petitioner from the post of Steno-typist to the post of Lecturer in Hindu College, Guntur in pursuance of G.O.Ms.No.203, dated 18.6.1999 as illegal.

During the pendency of the first writ petition, alleging that he was called for interview on 05.10.2001 for the post of Lecturer and though he was selected, the first respondent has not ratified such selection, the second writ petition, W.P. No.4024 of 2002 is filed.

In both the writ petitions, mainly it is the case of the petitioner that as he is working as Steno-typist in the second respondent College, in view of the orders issued by the Government in G.O.Ms.No.203, dated 18.6.1999 he is entitled to be appointed as Lecturer in the same College and the same is to be ratified by the first respondent.

Detailed counter affidavits are filed in the writ petitions. In the counter affidavit filed on behalf of the first respondent in W.No.4024 of 2002 it is stated that the petitioner was appointed as Lab Boy on 12.12.1988 in the second respondent College and presently he is working as Steno-typist. It is contended that the present post of the petitioner is not a feeder category for promotion as Lecturer. The management of the second respondent College has issued notification inviting applications for two unaided posts of Lecturers in English along with other 13 unaided posts of Lecturers in other departments to cope up with the workload of unaided sections/courses, but the Government is no way concerned with the same. Pursuant to the said notification, the petitioner applied for the unaided post of Lecturer in English and call letters were sent to all the eligible and qualified candidates including the petitioner for attending the interview on 05.10.2001. The petitioner was selected by the Management for

the unaided post of Lecturer in English subject to the condition of resigning to the aided post of Steno-typist held by him in the same College. It is reported by the College that the petitioner has not yet submitted his resignation to the aided post of Steno-typist and as such no appointment order is issued to him. The appointment to unaided posts need not be ratified by the Government. If the petitioner wants to join as Lecturer in unaided post, he has to resign the aided post of Steno-typist and follow the instructions of the Management.

Heard the learned counsel for the petitioner, the learned Government Pleader for Higher Education and the learned counsel appearing for the second respondent College.

The second respondent College is a composite College of Junior College and Degree College. In composite Colleges, there is no post of Junior Lecturers and there are only posts of Lecturers. The feeder category for the post of Lecturer is the post of Junior Lecturer. As the petitioner not being a Junior Lecturer and is not serving in the feeder category to the post of Lecturer, he cannot seek any direction for appointment as Lecturer based on the orders issued by the Government in G.O.Ms.203, dated 18.6.1999. From a perusal of the aforesaid G.O., it is clear that the School Assistants/S.G.B.T. Teachers and non-teaching staff working in private Schools/Junior Colleges under private management be considered to the promotion as Junior Lecturers in the Junior Colleges of the same private management if they fulfill the criteria of holding minimum of 50% marks in the Post Graduation in relevant subjects.

In this case, it is to be noticed that the second respondent College has not notified any vacancy of aided post. I have perused the original notification issued by the second respondent

College. It is clear from the same that it has invited applications to fill up the posts of Lecturers in unaided sections/courses. If it is unaided section/course, there is no provision to ratify such selection by the first respondent – the Commissioner of Collegiate Education. As no aided vacancy of Lecturer is notified, under the guise of selection pursuant to the notification issued by the second respondent College for unaided vacancies, the petitioner cannot seek any direction to the respondents 1 and 2 for ratification of his selection to the post of Lecturer. If the petitioner is selected by the Management, it is open for him to resign for the aided post of Steno-typist and join in the selected unaided post of Lecturer. But, at the same time, on the plea that he is selected pursuant to notification issued by the second respondent for unaided posts, he cannot seek either absorption or promotion to the post of Lecturer in English in aided vacancy. G.O.Ms.No.203, dated 18.6.1999 is applicable in respect of promotion of School Assistants/ S.G.B.T. Teachers and non-teaching staff in private management Junior Colleges if the same private management is filling up aided posts of Junior Lecturers. It is clear from the counter affidavit filed by the respondent authorities that pursuant to his selection though the petitioner is given choice to resign to the aided post of Steno-typist and join in the selected unaided post of Lecturer, he did not do so. In any event, as the respondents have made selections only for the unaided posts of Lecturers but not for the aided posts of Junior Lecturers, the petitioner has no right to seek ratification from the first respondent for appointment to the post of Lecturer. It is made clear that G.O.Ms.No.203, dated 18.6.1999 is only applicable to the posts of Junior Lecturers and it is not applicable to the posts of Lecturers in the composite Colleges. For the aforesaid reasons, I do not find any merit in the writ petitions.

The writ petitions are, therefore, dismissed. No order as to costs.

As a sequel, the miscellaneous petitions if any stand closed.

(R.SUBHASH REDDY,J)

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