

THE HON'BLE SRI JUSTICE B PRAKASH RAO

THE HON'BLE SRI JUSTICE G BHAVANI PRASAD

WRIT APPEAL NO. 1062 OF 2002

JUDGMENT: (Per Sri Justice B Prakash Rao)

Heard both sides.

The unsuccessful petitioner is appellant herein who by way of this appeal seeks to assail the order rejecting the writ petition filed by him under Article 226 of the Constitution of India, where he sought for writ of mandamus for direction to admit the post of Lecturer in Geography held by him to grant-in-aid by ratifying the action of the third respondent in opening the course of B.A. with the combination of Geography, Economics and Politics. The case of the petitioner was to the effect that even though promotions were granted and subsequently the said combination of course was allowed, however, still the petitioner who was teaching the said subject was not admitted to grant-in-aid. It is pointed out that in similar circumstances grant-in-aid was admitted for other institutions, hence, the action of the respondents is illegal.

After contest by the respondents, the learned Single Judge did not find favour with the petitioner and rejected the writ petition mainly on the ground that such relief cannot be granted merely on the ground that permission was granted earlier. It is further made clear that if the course in question is still in vogue in the third respondent college, the case of admitting the posts needed for the said course for admission to grant-in-aid shall be considered in accordance with the existing rules and scheme.

Having heard the counsel on either side and on perusal of the material on record, admittedly the appellant/petitioner is only an employee/Lecturer and management of the institution has not come forward with similar such request by approaching this Court. No employee or Lecturer can have any locus or enforceable right to seek such admission of a post into grant-in-aid. It is always for the management to pursue such remedies which are available under law. Apart from the reasons which are already given by the

learned Single Judge, we are of the view that very application filed by the petitioner is not maintainable. There are no merits in the appeal warranting interference of this Court. Accordingly, the same is dismissed. No costs.

B PRAKASH RAO,J

G BHAVANI PRASAD,J

DATE: 19.7.2010
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