

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.8307 of 1996

Between:

S. Satyasree, w/o. M. Rajasekhar, working as part-time Lecturer, Sri Saibaba
National Degree College, Ananthapur.

..... PETITIONER

AND

- 1 State of A.P., rep. by its Prl. Secretary to Education, Secretariat, Hyderabad.
- 2 Commissioner of Collegiate Education, Nampally, Hyderabad.
- 3 The College Service Commission , rep. by its Secretary,

Gaganvihar, Nampally, Hyderabad.

- 4 The Secretary & Correspondent, Sri Saibaba National Degree

College, Ananthapur.

- 5 M. Nagesham, Damajipalli Village, Chennakothapally post,

Ananthapur District.

(R2&R5 dismissed for default as per Court order dt.11-4-2000)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other writ, order or direction of like nature a. to declare the action of the first respondent in keeping G.O.Ms.No.362 Education dt. 7.10.94 in abeyance by the proceedings of the first respondent in Memo.No.71/CE III - 1/94-6 d/6-1-95 as illegal, arbitrary and violative of Articles 14,16,21 and 300-A of the Constitution of India; b. to direct respondents 1 and 2 to regularise the services of the petitioner as Lecturer in the 4th respondent degree college as per G.O.Ms.No.326 dt. 7-10-94 in the aided post and further direct respondents 1 and 2 to pay her the minimum pay scale from the date of entry into service ie. 15-9-1990 with all consequential and incidental benefits that accrue to the

petitioner.

Counsel for the Petitioner: Mr. V.V.PRABHAKARA RAO

Counsel for Respondents 1&3: GP FOR HIGHER EDUCATION

Counsel for Respondent No.4 : Mr.K.SURESH REDDY

The Court made the following :

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ORAL ORDER:

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This writ petition is filed seeking a Mandamus to declare the action of the 1st respondent in keeping G.O.Ms.No.362, Education, dated 7-10-1994 in abeyance by Memo dated 6-1-1995 as arbitrary and illegal and consequently to direct respondents 1 and 2 to regularize the services of the petitioner as Lecturer in the 4th respondent College as per the said Governmental Order in the aided post and to pay her the minimum pay scale from the date of her entry into service i.e. 15-9-1990 with all consequential benefits.

There is no necessity of narrating all the facts of the case in view of the subsequent developments. This Court while ordering notice before admission, passed an interim order dated 19-4-1996 to continue the petitioner in service until further orders and the same is still subsisting. Subsequently, the writ petition was admitted on 18-6-1996. In view of the said interim order, the 5th respondent, who was sought to be posted in the place of the petitioner, was ultimately posted in different College and the petitioner is being continued in the 4th respondent-College. During the pendency of the writ petition, on 1-8-2002 the 4th respondent-College addressed a letter to the Director of Collegiate Education, Andhra Pradesh, Hyderabad stating that the petitioner has been working as *ad hoc* Lecturer in the Department of Chemistry since 6-7-1991 and is continued as per the above interim Orders of this Court and prayed the authority to permit the Management to appoint the petitioner as Lecturer in the aided post in the Department of Chemistry.

Learned counsel for the petitioner submits that pursuant to the said letter, no action has been taken by the authorities. The Management also filed a counter affidavit

admitting the fact as to addressing a letter to the 2nd respondent on 1-8-2002. It is also stated that the petitioner passed M.Sc. (Chemistry) in First Division and her teaching work and conduct are good throughout. She has been working for the last more than 8 years (as on 27-4-1998) and she is not being paid minimum pay scale fixed by the Government. Therefore, the only direction that needs to be given is to direct the 2nd respondent to consider the letter dated 1-8-2002 addressed by the 4th respondent.

Accordingly, respondents 1 and 2 are directed to consider the letter dated 1-8-2002 addressed by the 4th respondent and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No costs.

29-4-2005

prk

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

- 1 The Principal Secretary to Education, State of A.P., Secretariat, Hyderabad.
- 2 Commissioner of Collegiate Education, Nampally, Hyderabad.
- 3 The College Service Commission , rep. by its Secretary,

Gaganvihar, Nampally, Hyderabad.

- 4 The Secretary & Correspondent, Sri Saibaba National Degree

College, Ananthapur.

- 5 M. Nagesham, Damajipalli Village, Chennakothapally post,

Ananthapur District.

6 2 CCs to G.P. for Higher Education, High Court buildings, Hyderabad (OUT)

7 2 CD copies.

