

THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

-
WRIT PETITION No. 3739 OF 2005

-
Dated 29th June, 2007

Between:

S.V.V. High School, Tadikonda,
represented by its President & Correspondent,
Guntur District.

...Petitioner

And

State of A.P. represented by its
Secretary to Government,
Education Department, Secretariat,
Saifabad, Hyderabad and others.

...Respondents.

ORAL ORDER:

In this writ petition, the petitioner – a High School – seeks a declaration by way of writ of mandamus that the action of the respondents in not granting permission to the petitioner to fill up the vacant aided post of Grade-II Telugu Pandit is illegal and arbitrary.

Certain posts in the petitioner-school were admitted to grant-in-aid including the posts of Telugu Pandits Grade-I and II. On retirement of one P.V.Rama Sastry, Telugu Pandit Grade-I, Smt.G.Siva Kumari, who was working as Telugu Pandit Grade-II was promoted as Grade-I Telugu Pandit in the vacant post and the said promotion was also approved by the competent authority i.e. the Regional Joint Director of School Education, Guntur vide proceedings in Rc.No.5745/B1/03 dated 26.1.2004. Consequently, the petitioner-school sent proposals for permission to fill up the resultant vacancy of Telugu Pandit Grade-II. When the proposals were not considered for a considerable period, the petitioner has come up with this writ petition.

In the counter affidavit filed by the District Educational Officer, while admitting that Grade-II Telugu Pandit post is vacant in view of promotion of Smt. G.Siva Kumari as Telugu Pandit Grade-I, it is stated that in view of the ban imposed by the Government in Memo No.12080/COSE/A2/2004-4, dated 20-10-2004, permission is not granted.

It is submitted by the learned counsel for the petitioner that in view of the existence of vacancy, there is no Telugu Pandit Grade-II to impart education to the students and the said post cannot be kept vacant indefinitely.

On the other hand, it is submitted by the learned Government Pleader that as the rationalization is in process to identify surplus staff in various schools, the Government imposed ban and as such, permission is not granted.

It is not in dispute that the post of Grade-II Telugu Pandit was already admitted to grant-in-aid and even the promotion of the candidate holding the said post to the post of Grade-I Telugu Pandit was approved by the competent authority i.e. the Regional Joint Director of School Education. As the government is paying salaries for the aided posts, while it is open for the Government to post any suitable surplus Grade-II Telugu Pandit available to the petitioner-school, but, under the guise of rationalization and identifying surplus staff, posts cannot be kept vacant for an indefinite period. As the post of Telugu Pandit Grade-II in the petitioner-school fell vacant as early as on 22.11.2003 and it remained unfilled for a considerable period, I dispose of the writ petition directing the respondents to fill up the vacancy by posting any suitable candidate of Telugu Pandit Grade-II, in case, if any such surplus candidates are found in the process of rationalization within a period of two months from the date of the receipt of a copy of this order and if no such candidate is posted within the time referred to above, respondents shall consider the proposal of the petitioner-school for grant of permission to fill up the said post without reference to the ban imposed by the Government. However, it is clarified that such appointment shall be as per the rules applicable in this regard.

Subject to above direction, the writ petition is disposed of. No costs.

29-6-2007

R.SUBHASH REDDY, J.

VR

Note:

Issue cc within a week.

(BO)
VR