

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 19376 of 1999

Between:

Smt.K.Lakshmi Kanthamma W/o Sri Venkateswara Rao,
S.P.M.Kalasala, Machilipatnam, Krishna District.

... PETITIONER

AND

- 1 State of Andhra Pradesh, Rep. by its Secretary,
Education Department, Secretariat, Hyderabad.
- 2 Commissioner of Collegiate Education,
Government of A.P., Nampally, Hyderabad.
- 3 Accountant General (A&E), Andhra Pradesh,
Hyderabad.
- 4 Commissioner, Gudivada Municipality,
Gudivada, Krishna Dist.
- 5 Commissioner, Machilipatnam Municipality,
Machilipatnam, Krishna Dist.
- 6 S.P.M.H.Kalasala, Rep. by its Secretary,
Correspondent, Machilipatnam.

**...
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 write or order or direction especially one in the nature of Mandamus : (i) declare that the petitioner is entitled to count her service from 9.7.51 to 12.8.1958 as teacher and from 30.07.1968 onwards as aided lectures for the purpose of grant of pension and pensionary benefits; (ii) direct the respondents to grant CAS benefits as envisaged in G.O.Ms.No.520, Education, dt.15.12.1988 by counting the petitioner's service as lecturer continuously w.e.f. 30.07.1968; (iii) direct the respondents to pay the arrears of salary flowing out of the above prayers; and (iv) to grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the Circumstances of the case.

Counsel for the Petitioner: MR.S.SATYAM REDDY

Counsel for the Respondents: GP FOR EDUCATION

The Court made the following :

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19376 of 1999

ORDER:

This writ petition was filed on 14.09.1999 seeking a declaration that the petitioner was entitled to count her service from 09.07.1951 to 12.08.1958 as teacher and from 30.07.1968 onwards as aided lecturer for the purpose of grant of pension and pensionary benefits.

Though various contentions have been raised by the petitioner and the respondents 1 and 5 filed their counter-affidavits contesting the writ petition, the learned counsel appearing for sixth respondent – Management, at the outset, submitted that in view of A.P. Private Aided Educational Staff (Regulation of Pay) Act, 2000 (Act No.9 of 2000), which has been enforced with effect from 10.1.1980, no employee of private aided educational institution shall claim to count the services rendered or for the increments drawn in the respective post. prior to the date of approval of his appointment in the post duly admitted to the grant-in-aid for the purpose of Pension.

Heard the learned counsel for the petitioner.

Having regard to the statutory prohibition imposed under Section 3(1) of A.P. Act 9 of 2000, the relief prayed by the petitioner in this writ petition cannot be granted.

Accordingly, the writ petition is dismissed. No costs.

G.ROHINI, J

31st March 2009
KH