

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SEVENTH DAY OF AUGUST TWO THOUSAND AND TWENTY
THREE

:PRESENT:
THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI

WRIT PETITION NO: 15733 OF 2023

Between:

K. Satya Rama Devi, D/o K. Narayana, Record Assistant, C.S.I. (Aided)
(Telugu Medium) High School, Bellampally, Mancherla District-504251 (On
deputation to the O/o. District Educational Officer, Mancherla).

Petitioner

AND

1. The Regional Joint Director of School Education, Warangal, Warangal District.
2. The Commissioner and Director of School Education, State of Telangana,
Hyderabad.
3. The State of Telangana, rep by its Principal Secretary, School Education
Department, Secretariat, Hyderabad
4. The District Educational Officer, Mancherla, Mancherla District
5. The Correspondent, CSI (Aided) (Telugu Medium) High School, Bellampally,
Mancherla District 504251

Respondents

Petition under Article 226 of the Constitution of India praying that in the
circumstances stated in the affidavit filed therewith, the High Court may be pleased
to issue a writ, order or direction more particularly one in the nature Writ of
Mandamus declaring that the Petitioner is entitled to have her considered and be
promoted to the post of Junior Assistant in with benefits incidental thereto in CSI
(Aided) TM High School, Bellamapally duly setting aside the impugned Memo. No.
9097/SE.Genl.I/2016, dated 29-6-2022 issued by the 3rd Respondent and the
related rejection order issued vide Rc. No. 1109/B5/2023 dated 02-06-2023 by the
1st Respondent, as being arbitrary, illegal, contrary to the Orders of this Honble
Court passed in W.P. Nos.9503 of 2006 and batch dated 30-07-2013 and in violation
of Articles 14 and 16 of the Constitution of India.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in
the affidavit filed in support of the petition, the High Court may be pleased to direct
the 1st Respondent to consider and ratify the promotion of the Petitioner to the post
of Junior Assistant duly suspending the operation of impugned Memo
No.9097/SE/Genl.I/2016, dated 29-6-2022 and the related rejection order
Rc.No.1109/B5/2023 dated 02-06-2023 issued by the 3rd and 1st Respondents
respectively keeping in view the fact that the initial Memo No.12080/COSE/A2/2004-
4, dated 20-10-2004 was declared as illegal by this Hon1ble Court inW.P.No.9503 of

2005 and batch, Pending disposal of WP 15733 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri V RAVICHANDRAN, Advocate for the Petitioner and GP FOR SERVICES I for the Respondents, the Court made the following.

ORDER:

Notice before admission.

Learned Government Pleader for Services-I takes notice on behalf of the respondents No.1 to 5 and waives further notice and seeks time to file counter.

Registry is directed not to take out notices to respondents No.1 to 5 in view of this waiver.

Learned counsel for the petitioner submitted that the petitioner is eligible to be considered for promotion to the post of Junior Assistant, CSI (Aided) Telugu Medium High School, Bellampally. It is submitted that the respondent No.5 was granted the promotion and her case was also recommended vide letter dated 07.04.2022, but the same was rejected on the ground that there is a ban on creation of new posts, filling up of existing vacancies, promotions and appointments on compassionate grounds in Aided Schools in Telangana State vide Memo dated 29.06.2022.

Learned counsel for the petitioner submitted that when a similar ban was imposed vide Government Memo dated 20.10.2004, the same was considered by the Bench of this Court in W.P.Nos.9503 of 2005 and batch and the said memo was held to be illegal and arbitrary and accordingly, it was set aside.

Learned counsel for the petitioner further submitted that without referring to the Judgment of High Court, the respondents have issued the impugned memo dated 29.06.2022 stating that they have decided to continue the ban on creation of new posts, filling up of existing vacancies, promotions and appointments on compassionate grounds in Aided Schools in Telangana State, by referring to the memo dated 20.10.2004 which was already set aside. He submits that this action of respondents is illegal, arbitrary and contrary to the judgment of this Court. He further submits that the school in which the petitioner is presently working is likely to be closed and if the petitioner is transferred from the said school, she would lose her seniority and also chances of further promotion.

Learned Government Pleader for Services-I takes notice on behalf of the respondents and submits that the ban is being continued.

Having regard to the fact that there is no ban to be continued as the ban imposed vide Memo dated 20.10.2004 has been set aside by the order of this

Court on 30.07.2013, the impugned memo dated 29.06.2022 cannot be issued for continuation of the same.

Therefore, there shall be interim suspension of the memo dated 29.06.2022 and consequently the rejection order dated 02.06.2023 shall stand suspended and the respondents are directed to consider the case of the petitioner for promotion. However, such promotion to the petitioner shall be subject to the outcome of the writ petition.

For counter of the respondents, list this matter on 04.09.2023.

Sd/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Regional Joint Director of School Education,, Warangal, Warangal District.
2. The Commissioner and Director of School Education,, State of Telangana, Hyderabad.
3. The Principal Secretary, School Education Department, State of Telangana, Secretariat, Hyderabad
4. The District Educational Officer,, Mancherial, Mancherial District
5. The Correspondent, CSI (Aided) (Telugu Medium) High School,, Bellampally, Mancherial District 504251 (1 to 5 by RPAD)
6. One CC to SRI V RAVICHANDRAN Advocate [OPUC]
7. Two CCs to GP FOR SERVICES I, High Court at Hyderabad. [OUT]
8. One spare copy

HIGH COURT

PMD,J

DATED:07/08/2023

list this matter on 04.09.2023

ORDER

WP.No.15733 of 2023

DIRECTION

