

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 466 OF 2004



Between:

M.Jyothi, W/o. Bhaskar Kumar, aged 39 years, R/o Vijayawada, Krishna District

...PETITIONER

AND

1. State of Andhra Pradesh, rep. by its Secretary to Government, Education Department, Secretariat, Saifabad, Hyderabad
2. The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad
3. Sarada Degree College, Vijayawada, rep by its Secretary and Correspondent

...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 or order or direction more particularly one in the nature of writ of mandamus declaring as illegal and arbitrary the action of the respondents 1 and 2 in seeking to fill up the aided post of Lecturer in Commerce in the 3rd respondent college by surplus staff from other aided institutions without considering the entitlement of the petitioner for absorption in the said post and issue consequential directions restraining the respondents 1 and 2 from filling up the said post from any aided surplus staff from other institutions.

I.A. NO: 1 OF 2004(WPMP. NO: 638 OF 2004)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents not to fill up the aided post of Lecturer in Commerce in the 3rd respondent college in the vacancy caused due to transfer of Smt.Y.Jayasree by posting surplus staff of other aided colleges or in any other manner.

I.A. NO: 1 OF 2006(WVMP. NO: 1256 OF 2006)

Between:

1. State of Andhra Pradesh, rep. by its Secretary to Government, Education Department, Secretariat, Saifabad, Hyderabad

2. The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad
...PETITIONERS/RESPONDENTS

AND

1. M.Jyothi, W/o. Bhaskar Kumar, aged 39 years, R/o Vijayawada, Krishna District
2. Sarada Degree College, Vijayawada, rep by its Secretary and Correspondent (2nd Respondent is not necessary party to this petition)

...RESPONDENTS/PETITIONERS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to vacate the interim orders passed in WPMP No. 638/2003 in W.P.No.466/2004 dt. 8-1-2004.

I.A. NO: 1 OF 2011(WVMP. NO: 1686 OF 2011)

Between:

Sarada Degree College, Vijayawada, rep by its Secretary and Correspondent

...PETITIONER/3rd RESPONDENT

AND

1. M.Jyothi, W/o. Bhaskar Kumar, aged 39 years, R/o Vijayawada, Krishna District

...WRIT PETITIONER/RESPONDENT

2. State of Andhra Pradesh, rep. by its Secretary to Government, Education Department, Secretariat, Saifabad, Hyderabad
3. The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad

...RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to vacate the orders granted in WP No. 466 of 2004 dt. 9-12-2010 the Writ Petition.

I.A. NO: 2 OF 2011(WPMP. NO: 41585 OF 2011)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to permit the petitioner to substitute the main prayer with the following prayer, "It is therefore prayed that this Hon'ble Court may be pleased to issue an order or direction, more particularly one in the nature of writ of Mandamus, i. declaring the action of the respondents 1 and 2 in not absorbing the petitioner as Lecturer in Commerce in aided post in the 3rd respondent college, as illegal and arbitrary and ii. issue a consequential direction to the respondents to forthwith absorb the petitioner in the aided post of Lecturer in commerce with all consequential benefits such as seniority, arrears of salary, increments etc., iii. and also declare the

proceedings of the 1st respondent vide Memo No. 3374/CE.II.1/2004-2 dated 06-04-2005, proceedings of the 2nd respondent vide procs. Rc. No. 3927/Admn.VI-1/97 dated 08-04-2005 and proceedings of the 1st respondent vide Memo No. SP4825/CE.II.1/2004-5 dated 12-01-2011, as illegal, improper, arbitrary and discriminatory.

Counsel for the Petitioner: SRI N. BHARAT BABU

Counsel for the Respondent Nos.1 & 2: GP FOR EDUCATION

Counsel for the Respondent No.3: Sri M. SURENDER RAO

The Court made the following: ORDER

HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION No.466 of 2004

ORDER:

The learned counsel for the petitioner submits that the petitioner has challenged the in-action of the respondents in filling up the aided post of Lecturer in Commerce in the 3rd respondent College and even though the petitioner was eligible to the said post, she was not considered for the same.

2. This Court vide order dated 09.12.2010 has passed interim order directing the respondents to consider the case of petitioner within a period of two (02) weeks from the date of the order.

3. The respondents filed a Writ Appeal which was disposed off with a direction to hear the Writ Petition on merits. The respondents have further filed an SLP before the Hon'ble Supreme Court which was dismissed. Thereafter, the respondents vide G.O.R.T.No.482 dated 18.07.2011 have absorbed the petitioner in the existing vacancy in the 3rd respondent College. As such, the cause in the Writ Petition does not survive any more.

4. Accordingly, the Writ Petition is closed, in terms of the interim order passed by this Court. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

Sd/- P.U.V. BHASKARA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

Leh
SECTION OFFICER

To,

1. One CC to Sri N. Bharat Babu, Advocate [OPUC]
2. Two CCs to GP for Education, High Court of Andhra Pradesh. [OUT]
3. One CC to Sri M. Surender Rao, Advocate [OPUC]
4. Three CD Copies.

ssb

gl

A.D. far



HIGH COURT

DATED:20/12/2023

ORDER

WP.No.466 of 2004

7 Copies
ADP
22/3/24



CLOSING THE W.P. WITHOUT COSTS