THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

CONTEMPT CASE No.285 of 2015

ORDER:

This Contempt Case is filed alleging non-implementation of the order dated 01.04.2014 passed in W.P.No.16029 of 2010.

W.P.No.16029 of 2010 was filed for consideration of the case of the petitioner on compassionate grounds due to death of his father on 22.07.2003 as his application was rejected on the ground that there was a General Ban imposed on 20.10.2004. The petitioner brought to the notice of this Court that in view of the judgment dated 24.05.2006 in W.P.No.9954 of 2006, the authority should not have rejected his case solely on the ground that there was a ban. This Court disposed of W.P.No.16029 of 2010 with a direction to consider the case of the petitioner for compassionate appointment duly taking into account his qualifications and without any reference to the alleged general ban at any point of time.

Now when the Contempt Case is taken up for consideration, learned Government Pleader for Education produced before this Court the Memo dated 22.06.2016 passing an order as under:

> "10. At the time of his application, School is a unit for compassionate appointment and to be considered to the post of Junior Assistant and below. The S.N.V. Aided Elementary School, Giddalur, Prakasam District, is a Primary school and the said school is sanctioned (3) (three) Secondary Grade Teacher Posts only, other than these posts, no posts were sanctioned to this school. At the time of his application or at present (except for the period
> 2009-2013 i.e., after issue of G.O.113, and prior to GAD Circular Memo dated 04.12.2013), School is a unit of appointment. As there are no Junior Assistants or below category posts in the school in which his father worked and as there is no provision for considering for the post of Teacher, as there is no feasibility to consider his request for compassionate appointment, without reference to

ban.

> 11. Government have examined the entire issue with reference to the orders of the Hon'ble High Court of A.P. in W.P.No.16029 of 2010 dated 01.04.2014 i.e., without reference to the Ban Memo issued in Govt., Memo No.12080/COSE/A2/2004, dated 20.10.2004 and found that it is not feasible to provide appointment on compassionate grounds to the applicant Sri B.Poli Reddy, hence his request is hereby rejected."

A copy of the said order was communicated to the individual through the District Educational Officer, Prakasam District, Ongole. But, learned counsel for the petitioner submits that the said order was not received by the petitioner. In view of the consideration of the case of the petitioner, this Court cannot hold that the respondents have violated the order dated 01.04.2014 passed by this Court. Even though, learned counsel tried to argue the case on merits, this Court is not inclined to entertain the same.

The Contempt Case is accordingly dismissed. However, it is open to the petitioner to challenge the Memo dated 22.06.2016 in appropriate proceedings.

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A. RAMALINGESWARA RAO, J

Date:29.07.2016
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