
(2000) 02 AP CK 0069

In the Andhra Pradesh High Court

Case No : Writ Petition No. 25940 of 1999

A. Koteswaramma @ Meherunnisa

APPELLANT

Vs

The Principal Secretary for Higher Education and Another

RESPONDENT

Date of Decision : 08-02-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2000) 3 ALT 765

Hon'ble Judges : B.S.A. Swamy, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.S.A. Swamy, J.—Questioning the validity of Memo No.89/CE.III/I/95-1, Education, dated 27.1.1995 wherein the Government issued a clarification restricting the zone of consideration to the first three senior- most Lecturers for the appointment to the post of Principal, the present Writ Petition is filed.

2. In GO.Ms.No.127, Education (C.E-I) Department, dated 7.6.1993, the Government while issuing amendment to G.O.Ms.No.12, Education, dated 10.1.1992 with regard to appointment of teaching staff in Junior Colleges and other Colleges, in para 3 it is categorically stated that the posts of Principals of Degree Colleges, Law Colleges, Colleges of Education shall be filled up by recruitment by transfer from among the suitable Lecturers with 10 years of service under the same Management and in the absence of such Lecturers by direct recruitment. Thereafter the Association of Affiliated Junior College Teachers Association requested the Government to issue clear instructions to the effect that only senior-most Lecturer/Junior Lecturer may be kept in-charge whenever a vacancy arises and also limit the zone of consideration to the first three senior-most Lecturers for appointment as Principals on promotion. The Government accepted the proposal of the Teachers Association and issued a clarification reiterating the procedure prescribed in the G.Os.,viz., G.O.No.158, Education, dated 10.6.1987, G.O.Ms.No.119, Education, dated 22.3.1999, G.O.Ms.No.12,

Education, dated 10.1.1992 and G.O.Ms.No.127, dated 7.6.1993 have to be followed for promotion from Lecturers/Junior Lecturers in private aided Colleges, clarified that the zone of consideration should be limited to first three senior-most Lecturers for appointment to the post of Principal. To my mind, it is only a clarification and it won't run counter to the guidelines issued in the above G.Os. It is one thing to say that the zone of consideration should be limited to three senior most Lecturers and it is another thing to say that that senior-most Lecturer should not be given appointment. To curtail the arbitrariness in making appointments to the posts of Principals, the Government limited the zone of consideration to three senior-most Principals and as such I do not find any illegality or irregularity in the said clarification. At the same time when once a panel is prepared, it is the bounden duty of the private Management to give reasons in writing why the senior-most Lecturer in the panel is not being given appointment if the Management intends to appoint a person next to him or the next man in the panel. When once reasons are given for not selecting the senior-most candidate, the aggrieved person can either approach the appellate authority questioning the order given by the Management or approach this Court questioning the virus of the order in exercise of its plenary jurisdiction under Article 226 of the Constitution of India. Hence, I do not find any merits in this Writ Petition.

3. In the result, the Writ Petition is dismissed. There will be no order as to costs.