

THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION No.15448 OF 2011

ORDER:

This Writ Petition is filed to declare the action of the respondents in not processing the Salary Bills of the staff of Sri Bhavanarayana Swamy Sanskrit College, Ponnur Town and Mandal, Guntur District, stating that the same is not signed by the Principal but signed by the Principal In-charge, who is the second petitioner, and also is in contravention of G.O.Ms.No.127, dated 07.06.1993, which is not in application to the present case, as arbitrary and illegal.

2. The averments in the Writ Petition, in brief, may be stated as follows:

The petitioner institution was established in the year 1950. The second petitioner was Lecturer in Physical Education and later, he was appointed as Principal In-charge of the petitioner institution with effect from 01.03.2011. As there was a vacancy for the post of Principal in the petitioner institution on account of the retirement of the regular Principal, and other senior Lecturers have declined to take charge as Principal In-charge, the second petitioner was appointed as Principal In-charge with effect from 01.03.2011. After the second petitioner was appointed as Principal In-charge, he has been acting so, with effect from 01.03.2011.

The Government of Andhra Pradesh, Education (J) Department, in Letter No.3490/J2/76-2, Edn., dated 29.11.1976, informed that the Physical Directors are considered as members of

the teaching staff. As per G.O.Ms.No.91 Edn., dated 26.03.1987, the Physical Directors in Degree Colleges are re-designated as Lecturers in Physical Education. The qualifications for Lecturers in Physical Education and subject Lecturers in Degree and Oriental Colleges are teaching staff members having same qualifications; and their procedure of appointment and scale of pay are also same, and the Lecturers in Physical Education are also to be considered for the post of Principal in Degree and Oriental Colleges. As such the Management appointed the second petitioner as the Principal In-charge of the first petitioner institution. Basing upon the proposal sent by the second petitioner as Principal In-charge, the third respondent released the Salary Bills of the staff of the petitioner institution up to April, 2011. While so, the Salary Bill sent for the month of May, 2011, was not processed by the third respondent on the ground that the same was not signed by the Principal but was signed by the second petitioner as Physical Director. The ground raised by the second respondent that the proposal signed by the second petitioner is in contravention of G.O.Ms.No.127, is erroneous and without any valid basis. The second petitioner signed the salary bill as a Principal In-charge but not as Physical Director and as such, the said observation is without any valid basis.

The third respondent acted upon the previous proposals signed by the second petitioner as Principal In-charge. So, there is no justification whatsoever in the endorsement made by the third respondent stating that the said proposal was not signed by the Principal and it is in contravention of G.O.Ms.No.127. The second

petitioner was appointed as Principal In-charge and the same was not challenged by anybody and the same has become final. The Management appointed the second petitioner as Principal In-charge and there is no justification whatsoever on the part of the third respondent in refusing to process the Salary Bill, for payment of salaries to the staff, signed by the second petitioner as Principal In-charge. In fact the second petitioner is fully qualified and eligible to be considered for the post of Principal as per the Rules in vogue. On account of the illegal action of the third respondent the staff of the petitioner institution are deprived of the salary for the month of May, 2011, for no fault of them. Hence, the Writ Petition.

3. Learned counsel for the petitioners contended that the second petitioner was kept in Full Additional Charge to the post of Principal consequent on the retirement of previous Principal, Dr. Thumuluru Sri Dakshinamurthy Sastry, on attaining the age of superannuation; that thereafter, the Salary Bills of the staff and employees of the petitioner institution are being processed by the Correspondent and as well as the Principal In-charge, second petitioner; that the same were being honoured by the Regional Joint Director till April, 2011; and that for the month of May, 2011, the Regional Joint Director dishonoured the Salary Bills of the staff of the petitioner institution on the ground that they are not being signed by the Principal.

4. Learned Standing Counsel appearing for the respondents contended that since the second petitioner is not a senior most

