

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION NO: 38268 of 2013

Between:

1.P.PRIYAVARDHANA BABU, S/O. P.VEERAIHAH,, OCC: JR.
LECTURER, S.V. JUNIOR COLLEGE, TIRUPATI, CHITTOOR
DISTRICT.

...PETITIONER

AND

1.TIRUMALA TIRUPATI DEVASTHANAMS, REP. BY ITS
EXECUTIVE OFFICER , T.T.D ADMINISTRATIVE BUILDINGS,
K.T. ROAD TIRUPATI AND OTHERS.

...RESPONDENT(S):

DATE OF ORDER PRONOUNCED : **18.12.2025**

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

1. Whether Reporters of Local Newspapers
may be allowed to see the order? : Yes/No
2. Whether the copy of order may be
marked to Law Reporters/Journals? : Yes/No
3. Whether His Lordship wish to
see the fair copy of the order? : Yes/No

JUSTICE SUBBA REDDY SATTI

*** HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**
+ WRIT PETITION NO: 38268 of 2013

% 18.12.2025

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EXECUTIVE OFFICER , T.T.D ADMINISTRATIVE BUILDINGS,
K.T. ROAD TIRUPATI AND OTHERS.

...RESPONDENT(S):

! Counsel for Petitioner : Sri W.B.Srinivas, learned senior
counsel assisted by Sri
J.Sunil Kumar and Ms.Kavya

^ Counsel for Respondents : Sri N.V.S.Prasada Varma
GP for School Education

< Gist:

> Head Note:

? Cases referred:

- 1) (2006) 2 SCC 740 : 2006 SCC OnLine SC 183
- 2) 2017 (0) Supreme (AP) 866

This Court made the following:

APHC010015382013



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

[3331]

THURSDAY, THE EIGHTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 38268/2013

Between:

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LECTURER, S.V. JUNIOR COLLEGE, TIRUPATI, CHITTOOR
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1.TIRUMALA TIRUPATI DEVASTHANAMS, REP. BY ITS
EXECUTIVE OFFICER, T.T.D ADMINISTRATIVE BUILDINGS,
K.T. ROAD TIRUPATI.

2.TIRUMALA TIRUPATI DEVASTHANAMS, REP. BY ITS TRUST
BOARD, T.T.D ADMINISTRATIVE BUILDING, K.T. ROAD
TIRUPATI

3.THE BOARD OF INTERMEDIATE EDUCATION GOVT OF A P,
REP BY ITS SECRETARY, NAMPALLY, HYDERABAD.

...RESPONDENT(S):

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 an appropriate Writ order or direction more particularly, one in the nature of Writ of Mandamus, a) Declaring the Board Resolution No.196 dt.11.11.2013 of the 2nd Respondent and consequential show cause notice of the 1st Respondent in

R.O.C.No.EDN3/10466/SeR.III/2004 dt.12.12.2013 as in operative, bad, illegal, contrary to Law and violative of Principles of Natural justice, one without jurisdiction , Purther contrary to Provisions contained in Act 30/87 and powers and functions of T.T.D Trust Board and also contrary to the Provisions contained in A.P. Education Act 1982 and the A.P. Intermediate Education Act 1971 and Rules made there under Set aside the same and b) Consequentially declare the petitioner's appointment dt 16.01.2009 as Jr. Lecturer at S.V. Jr. College Tirupati is valid and he is entitled to continue as such with all consequential benefits,

IA NO: 1 OF 2013(WPMP 47573 OF 2013)

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 suspend the operation of Board Resolution no.196 dt.11.11.2013 of the 2nd Respondent and consequential show cause notice of the 1st Respondent in R.O.C.No. EDN3/ 10466/ Ser.III/2004 dt.12.12.2013 pending disposal of the above writ petition

IA NO: 1 OF 2014(WVMP 961 OF 2014)

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 vacate the interim orders passed in WPMP No. 47573 of 2013 in WP No. 38268 of 2013

Counsel for the Petitioner:

1.JESHTADI SUNIL KUMAR

Counsel for the Respondent(S):

1.V R N PRASHANTH

2.NVS PRASADA VARMA

The Court made the following:

ORDER

Challenging Board Resolution No. 196, dated 11.11.2013, passed by the trustees of Tirumala Tirupati Devasthanams (TTD) Board, and the

consequential show-cause notice issued by the Executive Officer of TTD, *vide* Roc.No.Edn3/10466/Ser.III/2004, dated 12.12.2013, the above writ petition was filed.

2. Facts germane to decide the issue in this writ petition, succinctly, are:

a) The petitioner was appointed as Matron in S.V. Balamandir under direct recruitment on 18.02.1999 in terms of Tirumala Tirupathi Devasthanams Employees Service Rules, 1989 (for short "**Rules, 1989**"), which were framed *vide* G.O.Ms.No.1060, Revenue (Endowments-I), dated 24.10.1989, published in A.P. Gazette on 26.10.1989. The qualifications prescribed for the post of Matron as per Annexure-II Clause-XV (ii) are: (1) must have passed Intermediate, and (2) must possess Secondary Grade Teacher Training Certificate. The petitioner qualified B.Sc. B.Ed., as on the date of his appointment. Subsequently, the petitioner acquired a Post-Graduation degree in Chemistry in the year 2007.

b) The petitioner asserted that S.V. Balamandir is an educational institution. Non-teaching posts in educational institutions are shown at Clause-XV (iii) of Annexure-II. The qualifications for Secondary Grade Assistant and Matron are the same, and they carry the same scale of pay. TTD was transferring the Matrons of S.V. Balamandir to educational institutions and schools under TTD as S.G. Assistant. Likewise, S.G. Assistants of the TTD schools were transferred and posted at S.V. Balamandir as Matrons.

c) The Board of Trustees of TTD, upon considering the request of an employee of S.V. Balamandir, passed a resolution No.189 dated 22/23.07.2024 making the posts of S.G. Assistant and Matrons as inter-

changeable and the Matron should take the last rank in the seniority list in the list of S.G. Assistants.(**Ex.P4**) As per the said resolution, the petitioner and two others were included in the seniority list of S.G. Assistants in the last rank by proceedings Roc.No.D2/10466/DEO/2004, dated 06.08.2004 (**Ex.P10**). The District Educational Officer, Chittoor, in proceedings *vide* L.Dis.No.6854/B2/2004, dated 22.07.2004, addressed to the Executive Officer of the 1st respondent, clarified for the purpose of appointment of teacher by recruitment by transfer from non-teaching categories, G.O.Ms.No.167 Education (B) Department, dated 09.03.1984, as amended by Government Memo No.731/SS.2/92-4, dated 03.10.1992 would be applicable.(**Ex.P23**). Thereafter, the Board of Trustees of TTD passed resolution No.189 dated 22/23.07.2024.

d) In pursuance of the said resolution, the petitioner was posted as a teacher at S.V. High School, Tirumala, in the place of Ms.Geethanjali, and the petitioner worked there from 20.08.2004 to 15.07.2005. Thereafter, the petitioner was again transferred to S.V. Balamandir as Matron. Since the post of Matron does not have any promotional avenue and the petitioner possessed all the requisite qualifications for the post of Junior Lecturer, he approached the respondents 1 and 2 to consider his case for promotion as a junior lecturer in the educational instructions under the control of TTD.

e) The departmental promotion committee was constituted as per the rules, and the committee conducted a meeting on 13.08.2008 and recommended the name of the petitioner for promotion to the post of junior lecturer in Chemistry under 'non-teaching category' in terms of G.O.Ms No.203 Education (CE-III) Department dated 18.06.1999 and also in terms of resolution No.189 dated 22/23.07.2004. Accordingly, the

office of the 1st respondent issued proceedings, *vide* Roc.No.D9/7028/DEO/2006, dated 16.01.2009 (**Ex.P5**), approving the appointment of the petitioner as junior lecturer in Chemistry in S.V. Junior College, Tirupati, from the feeder category, subject to approval from the Board of Intermediate Education, A.P., Hyderabad. The Secretary, Board of Intermediate Education *vide* proceedings in Rc.No.SEL/E4/2010-11 dated 30.08.2010 (**Ex.P7**), approved promotion to the petitioner as junior lecturer along with others. Thereafter, the office of the 1st respondent issued proceedings Roc.No.D9/7028/DEO/2006 dated 12.10.2010 (**Ex.P6**) to make S.R. entries etc. The petitioner started discharging duties as a junior lecturer since then and completed 5 years.

f) Be that as it may, the 1st respondent issued the show cause notice dated 12.12.2013 (**Ex.P2**) as to why he should not be reverted to the post of Matron. The said show cause notice was issued in pursuance of resolution No.196 dated 11.11.2013 (**Ex.P1**). Assailing the TTD Board resolution dated 11.11.2013 and the show cause notice dated 12.12.2013, the above writ petition was filed.

3. Writ petition was admitted on 27.12.2013, and an interim order was granted in WPMP. No.47573 of 2013 staying all further proceedings in pursuance of the show cause notice. Thereafter, a vacate stay petition, WVMP No.961 of 2014, was filed, and the same was dismissed on 22.08.2016, making the interim stay absolute.

4. A counter affidavit was filed on behalf of respondents 1 and 2. The Executive Officer of the 1st respondent deposed to the affidavit.

a) In the counter affidavit, it was not disputed about the petitioner's appointment as Matron; the resolution No.189, dated 22/23.07.2004 and the petitioner's promotion to the post of junior lecturer.

b) It was contended, *inter alia*, that consequent upon promotion of the petitioner, several TTD employees submitted representations requesting promotions from non-teaching staff to the post of junior lecturer, claiming parity with the petitioner. On examination of the entire case and the history of the practice of promoting/appointing Matrons and other non-teaching staff working in TTD educational institutions, it was found that the post of Matron is a special post sanctioned for the S.V. Balamandir only, and it is essentially a non-teaching post. For considering promotion to the post of junior lecturer from a non-teaching post, there is a separate set of rules issued by the Government *vide* Rc.No.60468/Endwts-III A-2/2008, dated 30.04.2010, which are in vogue. The post of Matron does not fall in any of the cadres as specified by the Government in the said guidelines. The resolution No.189, dated 22/23.07.2004, was passed without amending the rules. Accordingly, the TTD Board dissolved its resolution No.189, dated 22/23.07.2004, from the date of its original approval by passing resolution No.196, dated 11.11.2013. Thereafter, the show cause notice dated 12.12.2013 was issued to the petitioner as to why he should not be reverted to the post of Matron, S.V. Balamandir.

c) It was further pleaded that the post of Matron and Counselor in S.V. Balamandir are non-teaching posts as per G.O.Ms.No.1060 dated 24.10.1989. The post of Secondary Grade Teacher is a teaching post, so the rules that are being followed by the A.P. State Government would

be applicable to TTD also, as per Rule 9 (1) of the Rules, 1989 and thus prayed to dismiss the writ petition.

5. Heard Sri W.B.Srinivas, learned senior counsel assisted by Sri J.Sunil Kumar and Ms.Kavya, learned counsel for petitioner and Sri N.V.S.Prasada Varma, learned standing counsel for respondents 1 & 2 and the learned Government Pleader for School Education for the 3rd respondent.

6. Learned senior counsel for the petitioner made the following submissions:

- i) The show cause notice dated 12.12.2013 (Ex.P2) issued by the Deputy Executive Officer (Services) of the 1st respondent is contrary to the service rules. The authority lacks jurisdiction to issue such a notice.
- ii) The resolution No.189 dated 22/23.07.2004 was worked out, and hence, it cannot be withdrawn. Even for the sake of argument, if the resolution No.189 dated 22/23.07.2004 was withdrawn, it would not affect the petitioner's promotion, since the petitioner was already appointed and the latter resolution (Ex.P1) operates prospectively.
- iii) The post of Matron is a teaching post as per the Rules, 1989. The posts of Matron and Secondary School Assistant are interchangeable, and such practice was adopted by the TTD *vide* Exs.P11 to P13, before and after the TTD service Rules came into force.
- iv) The petitioner's promotion to the post of junior lecturer was done as per the Government Orders issued by the State Government, and the petitioner was selected by a Committee which was ratified

by the Secretary, Board of Intermediate Education. Thus, the Deputy Executive Officer (services) lacks jurisdiction, and on that ground, also Ex.P2 show cause notice is liable to be set aside.

7. On the other hand, Sri N.V.S.Prasada Varma and learned standing counsel for respondents 1 & 2 would submit that S.V. Balamandir is a charitable institution and an orphanage and not an educational institution. The resolution No.189, dated 22/23.07.2004, was passed without amending the Rules, 1989 and thus, the resolution itself has no legal sanctity. The duties assigned to the Matron and Secondary Grade Assistant are different, and they are not interchangeable and are governed by a different set of rules. The post of Matron is permanent and non-transferable. The TTD board has got jurisdiction to recall its earlier resolutions if the same were passed without any legal basis. He would submit that the writ petition was filed impugning the show cause notice and hence, that itself is not maintainable.

8. Now, the points for consideration are:

1) Whether the show cause notice dated 12.12.2013 (Ex.P2) issued by the Deputy Executive Officer (services) of the 1st respondent is legally sustainable?

2) Whether the resolution No.196 dated 11.11.2013 passed by the Board of Trustees of the 1st respondent is legally sustainable?

9. Normally, the writ petition challenging the show cause notice cannot be entertained. However, in the case at hand, the petitioner impugned the show cause notice on the ground of jurisdiction apart from

other grounds. Apart from the said factum, the writ petition was admitted about 12 years back. A vacate stay petition filed by the respondents 1 and 2 was dismissed on 22.08.2016. The entire pleading is before this Court. Hence, this Court is inclined to proceed to adjudicate the matter on the merits, instead of going into the technicalities.

10. It is an undisputed fact that the petitioner was initially appointed as Matron in S.V. Balamandir under direct recruitment on 18.02.1999. The Tirumala Tirupati Devasthanams is defined under Section 2 (28) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short "**Act 1987**"), which means the temples specified in the First Schedule and the endowments and properties thereof and shall include the educational institutions and the other institutions specified in the Second Schedule and the endowments and properties thereof. The Tirumala Tirupathi Devasthanams shall be deemed to be constituted into a single religious institution for the purposes of the 'Act 1987'. Chapter-XIV of the Act 1987 deals with Tirumala Tirupathi Devasthanams. The First Schedule outlines the temples of Sri Venkateswaraswami on Tirumala Hills with sub-temples. The Second Schedule delineates the list of educational institutions maintained from the funds of TTD.

11. The Government issued G.O.Ms.No.1060, Revenue (Endowments-I), dated 24.10.1989, framed the Service Rules, 1989. As per Rule 2, the rules would apply to all the employees of TTD except for the officers or staff taken on the contract basis and officers or staff taken on deputation from the Government or other organisation. Rule 9 outlines the appointment and method of recruitment. Rule 9 (i) prescribes the method of recruitment for appointment, qualifications, and the age

prescribed for various posts shall be as specified against each post in Annexure-II. **Proviso, to the said rule clarifies that in case of teaching staff of Educational Institutions affiliated to any of the University or any Government, the rules of such University or such Government, as the case may be, in respect of qualifications, age, method of recruitment, pay and allowances, vacation, leave salary, traveling allowance and age of retirement shall apply.** Clause XV of Annexure-II of the Rules 1989 prescribes the name of the post, method of recruitment and qualification. **(Emphasis Added)**

12. While sub-clauses (i) & (ii) of Clause-XV of Annexure-I fall under one category, sub-Clause (iii) specifies non-teaching posts of educational institutions. Sub Clause (ii) speaks about S.V. Balamandir, and it contains two categories: Matron and Tailoring Instructor. After sub clause (ii), in sub-Clause (iii), different non-teaching posts were prescribed. The method of recruitment for the post of Matron, as per Clause-XV (ii) is by direct recruitment, and the qualifications are (1) one must have passed Intermediate and (2) must possess Secondary Grade Teacher Training Certificate.

13. The contention of learned senior counsel that S.V. Balamandir is an educational institution, imparting education to the students and hence, the post of Matron should be treated as a teaching post, since the qualification prescribed is on par with the qualification of Secondary Grade Assistant, needs to be examined.

14. The learned standing counsel for respondents 1 and 2 would contend that S.V. Balamandir is not an educational institution but a charitable institution and an orphanage, and hence, the Matron in S.V. Balamandir cannot be treated on par with the teacher.

15. Section 2(18) of the A.P. Education Act, 1982 defines "educational institution" which means a recognised school, [colleges including Medical Colleges], special institution or other institution (**including an orphanage or boarding home or hostel attached to it**) by whatever name called, the management of which carries on (either exclusively or among other activities) the activity of imparting education therein, and includes every premises attached thereto; but does not include a tutorial institution. **(Emphasis added)**

16. There is no definition either in the Act, 1987 or in the Rules, 1989, regarding what an educational institution is. Hence, this court relied upon the definition of educational institution in the Andhra Pradesh Education Act. In the definition, extracted *supra*, orphanage and boarding home or hostel attached to it are part of educational institutions. Thus, the contention of the learned standing counsel that S.V.Balamandir cannot be termed as an educational institution, this court is not persuaded. Even going by the contention of the learned standing counsel that S.V.Balamandir is an orphanage, it is still an educational institution.

17. The Rules, 1989 were published in A.P. Gazette on 26.10.1989. The petitioner filed Exs.P11 to P13, dated 24.08.1984, 29.7.1995 and 10.08.2004, respectively, before and after the commencement of the Rules, 1989. As per Ex.P11, one Sri C.Garudappa, Secondary Grade Assistant, S.V. Elementary School, Tirumala, was transferred and posted as Matron and Sri N.I.Nawab Basha, Matron, was transferred as Secondary Grade Assistant, S.V. School for Deaf and Blind, Tirupati. Likewise, as per Ex.P12, Smt.B.R.Sugunamma, Secondary Grade Assistant, working as Matron, S.V. Balamandir, Tirupati, was transferred and posted back as Secondary Grade Assistant, S.V. Elementary

School, Tirumala, to her original place. Sri C.Garudappa, Matron, S.V. Balamandir, on return from leave, was transferred and posted as Secondary Grade Assistant, S.V. High School, Tirumala, in the place of Sri B.Viswanadha Reddy. Ex.P13 demonstrates a similar appointment in August 2004. Thus, Exs.P11 to P13 would demonstrate transfer of Matron and Secondary Grade Assistant and *vice-versa*.

18. In pursuance of the resolution No.189, dated 22/23.07.2004, the petitioner was transferred to work at S.V. High School, Tirumala, on deputation. A perusal of the resolution No.189 dated 22/23.07.2004 (Ex.P4) itself would indicate inter-transfers of the Counselors and Matron of S.V. Balamandir, as Secondary Grade Assistant and *vice-versa*. It was mentioned that the post of Matron/Counselor/Secondary Grade Assistant in the schools carries the identical time scale of pay. However, regarding the fixation of seniority, the Matrons/Counselor may be placed in the last place in the seniority of Secondary Grade Assistant to avoid problems. It was further noted that Smt.A.Bhuvaneswari Devi, who is working as a Counselor in S.V. Balamandir, was ordered to work in S.V. Oriental High School, Tirupati, as Secondary Grade Assistant in view of administrative convenience.

19. Of course, the petitioner was transferred, after the resolution 189 dated 22/23.07.2004. Thereafter, the petitioner acquired a Post Graduation in Chemistry in the year 2007 and made a representation dated 10.03.2008 to the 1st respondent to consider his case for promotion as junior lecturer in S.V. College.

20. Given the discussion *supra*, let this Court examine the method of the appointment of a Junior Lecturer, be it in the colleges run by TTD or any other private institutions.

21. The competent authority for appointment of teaching and non-teaching staff was prescribed in the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Institution of Higher Education) Rules, 1987, issued in G.O.Ms.No.29, Education (Rules), dated 05.02.1987 (**Ex.P31**). As per Rule 2 of the Rules, these rules shall apply to all educational institutions (both Government and private), imparting education at different levels, including Junior Colleges (all institutions imparting Intermediate education with or without attached high school/degree classes/courses. Rule 7 speaks about 'Staff Pattern'. Rule 7(2) outlines the appointment of teaching and non-teaching staff. Rule 7(3) explains the competent authority for approval of appointments. The competent authority for approval of appointments of teaching staff of intermediate education shall be the Board of Intermediate Education.

22. The Government issued G.O.Ms.No.12 Education (CEI-2) Department, dated 10.01.1992 (**Ex.P.20**), prescribing the procedure for selection of lecturers/junior lecturers in private degree/junior colleges. In respect of junior lecturers in junior colleges, the candidates who have passed P.G. Degree with a minimum of 50% of marks in the concerned subject or its equivalent grade or as prescribed by the Government, from time to time, shall be eligible to apply for the post of junior lecturer in the junior colleges.

23. The Government of Andhra Pradesh framed Andhra Pradesh Intermediate Education Service Rules *vide* G.O.Ms.No.302 Education (IE.I) Department, dated 30.12.1993 (**Ex P.21**). The Education Service consists of different categories of posts, one among them at Category-8 is Junior Lecturer. The method of appointment and the appointing

authority to the junior lecturer is (i) by way of direct recruitment; (ii) by transfer from School Assistants in Category 1(b) of Class (C) Language Pandits including Hindi Pandits and Munshis Grade-I in Category-I of Class (D) of the re-issued Andhra Pradesh School Education Subordinate Service Rules or by recruitment by transfer from any other service. The method of recruitment ... (ii) (b) Any other service in the Education Department (Non-Teaching staff of the Education Department) 10%.

24. The Government issued G.O.Ms.No.203 Education (CE.III) Department, dated 18.06.1999, the procedure for selection of Junior Lecturers in Private Junior Colleges, by amending G.O.Ms.No.12, dated 18.06.1999. **(Ex P.22) Clause No.5** of the said G.O., which is apt, is extracted hereunder:

“5. The Government after detailed examination and careful consideration of the matter hereby direct that, the School Assistants/SGBT Assistants and non-teaching staff working under private schools/Junior Colleges under the Private management be considered for promotion as Junior Lecturer in the Junior Colleges of the same private Management, if they are fully qualified and possess 50% marks in Post Graduate in the relevant subject, in the following order of priority, i.e., to consider first School Assistants for promotion as Junior Lecturer and if no qualified and suitable candidate is there in School Assistant category then to consider the SGBT Assistant and if no such persons are available then promotion to non-teaching staff in ministerial services. If no qualified person is available in any of the 3 categories viz., School Assistant/SGBT Assistant/ Non-Teaching Staff in Ministerial Service, the Management is permitted to go for direct recruitment for filling the vacancies of Junior Lecturers in the college. A minimum

service of 2 years is prescribed in the feeder category for becoming eligible for promotion as Junior Lecturer.”

25. The Government issued Memo No.731/SS.2/92-4, dated 03.10.1992, clarification to G.O.Ms.No.167 Edn (B) Dept., dated 09.03.1994, wherein it has been stated “recruitment by transfer from any other service”, the non-teaching staff may be recruited from any other service for promotion to the teaching posts if they are fully qualified to hold the posts under reference.

26. Thus, a juxtaposition of G.O.Ms.No.302 dated 30.12.1993, G.O.Ms.No.203 dated 18.06.1999 and G.O.Ms.No.29 dated 05.02.1987, it emerges that the competent authority for approval of appointment in the category of a Junior Lecturer is the Board of Intermediate. The candidate should possess a Post Graduate degree with a minimum of 50% marks in the concerned subject. If no qualified candidate from the School Assistants is available for promotion as Junior Lecturer, then a suitable candidate from the category of SGBT Assistant and if no such persons are available, then promotion to non-teaching staff in the ministerial services would be considered.

27. This being the scheme regarding the appointment of the junior lecturers, let this court consider the proviso to Rule 9 of G.O.Ms.No.1060 dated 24.10.1989. As per the proviso to Rule 9 of G.O.Ms.No. 1060 dated 24-10-1989, the teaching staff affiliated to any university or government, the qualification, age, method of recruitment, pay and allowances, leave salary, etc., shall be governed by the rules of either the University or the Government. Going by the material available on record, since the issue involved in the writ petition relates to the promotion to the

post of Junior Lecturer, the TTD authorities scrupulously followed the procedure indicated in the above G.Os referred to *supra*.

28. After the Board Resolution No.189, dated 22/23.07.2004, the Devasthanam Educational Officer issued proceedings *vide* Roc.No.D2/10466/DEO/2004, dated 06.08.2004 (**Ex.P10**), whereby the name of the petitioner was included in the seniority of Secondary Grade Assistant at the last rank at an appropriate place along with 2 others. Thereafter, the petitioner acquired, Post-Graduation in Chemistry in the first class. The Director of Intermediate Education accorded permission for effecting promotion from the cadre of B.Ed Assistants/Language Pandits G-1/Secondary Grade Teachers working in the TTD Schools to the cadre of Junior Lecturers in S.V. Junior College and SPW Junior College, Tirupati. The Departmental Promotion Committee, in its meeting held on 13.08.2008, under the Chairmanship of the Joint Executive Officer, TTD, Tirupati, approved the panel of eligible candidates for promotion to the cadre of Junior Lecturer, and the petitioner is one among them. The Devasthanam Educational Officer issued a Memo *vide* Roc.No.D9/7028/DEO/2006, dated 16.01.2009 (**Ex.P5**). The Executive Officer, TTD Devasthanams, communicated the list to the Director of Intermediate Education *vide* letter Roc.No.D9/7028/DEO/2006, dated 12.01.2010 (**Ex.P8**) wherein the petitioner was shown at Sl.No.33. The Secretary, Board of Intermediate Education, issued proceedings *vide* Rc.No.Spl/E4-4/2010-11, dated 30.08.2010 (**Ex.P7**), approving the appointments of 31 junior lecturers by promotion from the feeder category. In pursuance of the said proceedings, the Devasthanams Educational Officer issued proceedings *vide* Roc.No.D9/7028/DEO/2006, dated 12.10.2010 (**Ex.P6**) and requested the Principals of S.V. Junior College and SPW Junior College to take necessary action to make SR

entries in respect of the said individuals and to send the proposals of regularisation and declaration of probation etc. Accordingly, the petitioner was promoted and started discharging his duties as a junior lecturer in Chemistry at S.V. Junior College, Tirupati. Along with the petitioner, tailoring instructor by name M.Prasada Rao, S.V. Balamandir was also promoted as Junior Lecturer in Telugu, and thereafter he was promoted as Lecturer *vide* Rc.No.11/Admn.III-2/2011, dated 31.05.2012 **(Ex.P18)**.

29. Thus, a sequence of events noted *supra*, the TTD authorities, by following the procedure prescribed by the State Government, promoted the petitioner to Junior Lecturer. No doubt, the promotion of the petitioner to the cadre of Junior Lecturer was pursuant to the approval of the Board of Intermediate Education. However, the supervisory authority for all purposes, in the opinion of this Court, is TTD Devasthanams, since the college is under the control of TTD. In case of any punitive action, even the supervisory authority needs to adhere to Section 79 of the A.P. Education Act.

30. The contention of learned senior counsel that the show cause notice dated 12.12.2013 (Ex.P2) issued by the Deputy Executive Officer (Services), Office of Executive Officer, TTD, Tirupati, the authority lacks jurisdiction, this Court is not persuaded by the said submission. Mere approval, for appointment or promotion by the Government, would not oust the jurisdiction of the TTD insofar as its employees are concerned.

31. The other contention of learned senior counsel that the TTD Board has no jurisdiction to review its earlier resolutions, this Court is unable to accede to the said contention, given the power of review vested with the TTD Board under Section 97 of the Act.

32. Let this court now examine the validity of Board Resolution No.196 dated 11.11.2013, vis-à-vis, dissolving and withdrawing the Board Resolution No.189, dated 22/23.07.2004, and the effect of such dissolution and withdrawal concerning the petitioner as a Junior Lecturer.

33. As discussed *supra*, even before the Resolution No.189, dated 22/23.07.2004 and the Service Rules promulgated under G.O.Ms.No.1060 dated 24.10.1989, the Matrons in S.V. Balamandir were transferred to educational institutions and *vice-versa*. Exs. P10 to P13, filed along with the writ petition, make the arrangement more discernible. The petitioner, who was appointed as Matron in S.V.Balamandir, was also transferred and posted as Secondary Grade Assistant, in pursuance of the Resolution No.189, dated 22/23.07.2004, fixing his seniority in the last rank in the Secondary Grade Assistant. The Petitioner worked from 20.8.2004 to 15.07.2005. Thereafter, the petitioner was again transferred as Matron. Later, the petitioner completed post-graduation in Chemistry and made an application seeking promotion as a Junior Lecturer.

34. A threadbare reading of Exs.P5 to P8, the petitioner was promoted to Junior Lecturer from the non-teaching category. Even though S.V. Balamandir comes under an educational institution, the case of the petitioner was considered under the non-teaching category. Once the petitioner was promoted, of course, pursuant to Resolution No.189, dated 22/23.07.2004 and by following the procedure contemplated under G.O.Ms.Nos.302 dated 30.12.1993 and No.203 dated 18.06.1999 etc., by withdrawing the Resolution No.189, dated 22/23.07.2004, whether the petitioner could be reverted to the post of Matron, the answer, in the considered opinion of this court, is negative.

35. The Hon'ble Apex Court in **S.L. Srinivasa Jute Twine Mills (P) Ltd. Vs. Union of India**¹, considered the effect of the amendment to the Employees Provident Fund and Miscellaneous Provisions Act, 1952, deleting Section 16(1)(d) of the Act, taking away the benefit of "infancy protection" and observed thus:

18. It is a cardinal principle of construction that every statute is prima facie prospective unless it is expressly or by necessary implication made to have retrospective operation. (See *Keshavan Madhava Menon v. State of Bombay* [1951 SCC 16 : 1951 SCR 228 : AIR 1951 SC 128 : 1951 Cri LJ 860] .) But the rule in general is applicable where the object of the statute is to affect vested rights or to impose new burdens or to impair existing obligations. Unless there are words in the statute sufficient to show the intention of the legislature to affect existing rights, it is deemed to be prospective only *nova constitutio futuris formam imponere debet, non praeteritis*. In the words of **Lord Blanesburgh**, "provisions which touch a right in existence at the passing of the statute are not to be applied retrospectively in the absence of express enactment or necessary intendment" (see *Delhi Cloth & General Mills Co. Ltd. v. CIT* [AIR 1927 PC 242 : 54 IA 421] , AIR p. 244). "Every statute, it has been said", observed Lopes, L.J., "which takes away or impairs vested rights acquired under existing laws, or creates a new obligation or imposes a new duty, or attaches a new disability in respect of transactions already past, must be presumed to be intended not to have a retrospective effect." (See **Amireddi Rajagopala Rao v. Amireddi Sitharamamma** [(1965) 3 SCR 122 : AIR 1965 SC 1970] .) [Ed. : But see fn. 27, p. 402 of *Principles of Statutory Interpretation*, by Justice G.P. Singh, 8th Edn. (Reprint) 2002.] As a logical corollary of the general rule, that retrospective operation is not taken to be intended unless that intention is manifested by express words or necessary

¹ (2006) 2 SCC 740 : 2006 SCC OnLine SC 183

implication, there is a subordinate rule to the effect that a statute or a section in it is not to be construed so as to have larger retrospective operation than its language renders necessary. (See *Reid v. Reid* [(1886) 31 Ch D 402 : 54 LT 100 (CA)] .) In other words, close attention must be paid to the language of the statutory provision for determining the scope of the retrospectivity intended by Parliament. (See *Union of India v. Raghubir Singh* [(1989) 2 SCC 754 : AIR 1989 SC 1933] .) The above position has been highlighted in *Principles of Statutory Interpretation* by Justice G.P. Singh. (10th Edn., 2006 at pp. 474 and 475.)

19. In **State of J&K v. Triloki Nath Khosa** [(1974) 1 SCC 19 : 1974 SCC (L&S) 49] and in **Chairman, Rly. Board v. C.R. Rangadhamaiah** [(1997) 6 SCC 623 : 1997 SCC (L&S) 1527] this Court held that provision which operates to affect only the future rights without affecting the benefits or rights which have already accrued or enjoyed, till the deletion, is not retrospective in operation.

36. In the case at hand, the promotion of the petitioner to the post of Junior Lecturer, as observed *supra*, was affected by adhering to methods mandated under the different Government Orders. The petitioner was promoted to the post of Junior Lecturer and posted as such *vide* Proc.Roc.No.D9/7028/DEO/2006 dated 16-1-2009. In the show-cause notice, it was mentioned that the petitioner's probation, despite having been completed for four years, had not been declared.

37. The doctrine of vested rights is a well-established principle of service jurisprudence. Once an employee is granted a benefit or status pursuant to a valid administrative decision and such a grant is acted upon, the right so created crystallises and becomes vested. **A vested right cannot be divested or nullified by a subsequent administrative**

modification, withdrawal of policy, or reconsideration by the employer. While the employer may have the authority to revise or rescind administrative decisions, such power is inherently prospective and cannot be exercised to unsettle completed transactions or to retrospectively deprive an employee of rights already accrued. (emphasis is mine)

38. The Petitioner was promoted as per the Resolution No.189, dated 22/23.07.2004 and other Government Orders. The board passed the above resolution while considering the transfer of one Smt A.Bhuvanewari Devi working as a Counselor in S.V.Balamindir. A close scrutiny of the Ex P.4 resolution, the board considered the cases of Counselors working in S.V.Balamandir and incidentally observed about the Matron also. This right, accrued to the petitioner, being substantive, cannot be taken away by passing another Resolution No.196 dated 11.11.2013, making its operative retrospectively. This court is conscious of the review jurisdiction of the board as indicated *supra*.

39. However, in the guise of reviewing the earlier resolution Ex.P4., by the resolution impugned Ex.P1, the board intended to take away the substantive right accrued to the petitioner and thus issued Ex P.2 show cause notice, which is discernible. The subsequent withdrawal of the resolution, prompted by administrative inconvenience or apprehension of similar claims by others, cannot operate to the detriment of the petitioner. In the absence of any allegation of fraud, misrepresentation, or ineligibility on the part of the petitioner, the impugned action of reverting him to the previous position is arbitrary and legally unsustainable. It is pertinent to mention here that another employee filed a writ petition W.P.No.19288 of 2004, complaining of non-consideration of his claim in

terms of the resolution Ex.P4. The said writ petition was disposed of on 16.10.2012 (Ex.P17).

40. The Division Bench of the composite High Court of Andhra Pradesh in **P.S.R.N.T. Swamy Vs. State of Andhra Pradesh, rep. by its Commissioner, Civil Supplies & Ex. Officio Secretary to Government**², considered the issue regarding unsettling the issue already settled and observed thus:

“14. What is important to know in this case is that the original grievance of the petitioner was that after promoting him as Assistant Controller in an available vacancy in March 2007, he was brought down in seniority on the ground that he usurped into a vacancy intended for direct recruitment. But after reconciling himself to the fact that he was only appointed against a vacancy intended for direct recruitment wrongly, the petitioner went into historical facts. Irrespective of whether V. Jagannadha Rao has prospective application or retrospective application, the fact remains that issues settled long back cannot be dug up from the grave or archives, to unsettle the past. Today for the purpose of setting right the Seniority of the petitioner, this Court, if the relief sought by the petitioner is to be allowed, should set at naught the recruitment by transfer given to three individuals in the years 1978, 1980 and 1982, consequently setting aside the promotions granted to them in the year 2005, and to adjust the appointment of the petitioner as against the original vacancy intended for promotion. This circuitous route cannot be adopted by the Tribunal considering the efflux of time irrespective of whether the law was in a state of flux or not as reflected in Madhava Rao case. Therefore, the dismissal of the Original Application, filed by the petitioner, by the Tribunal, cannot be found fault with. Hence the writ petition is dismissed.”

² 2017 (0) Supreme (AP) 866

41. Since the show cause notice is a consequence of Ex.P1 resolution, this court is of the considered opinion that the show cause notice Ex.P2 needs to be intercepted. A judicial interference is necessary in the facts of this case. The show cause notice issued, impugned in the writ petition, Ex.P2, acting upon the resolution No.196 dated 11.11.2013, is unsustainable and needs to be set aside.

42. Given the discussion *supra*, the show cause notice *vide* Roc.No.Edn3/10466/Ser.III/2004 dated 12.12.2013 (Ex.P2) issued by the Deputy Executive Officer (Services), office of Executive Officer, TTD Devasthanams, Tirupati is hereby set aside.

43. Insofar as the TTD Board Resolution No.196, dated 11.11.2013 (Ex.P1), is concerned, withdrawing the earlier resolution Ex.P4 retrospectively alone is set aside.

44. Since the promotion of the petitioner was affected by following the procedure, the petitioner is entitled to all the consequential benefits.

45. With the above observations, the Writ Petition is Disposed of. No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Note: LR Copy to be marked

B/O
PVD