

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 821 OF 2006

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Higher Education.

The present Writ Petition came to be filed seeking to declare the action of the respondents in not regularising the services of the petitioner as Lecturer in English in the first respondent-College, as illegal and arbitrary.

The petitioner was working as Lecturer in English for the last seven years on adhoc basis. It is stated that though the petitioner was fully eligible for regularising his services in the post of Lecturer and having acquired requisite qualification, the first respondent is not considering his case. Challenging the inaction of the respondent, the present Writ Petition is filed.

A counter affidavit came to be filed by the first respondent opposing the Writ Petition. It is stated that the Hon'ble Supreme Court in ***A.Manjula Bhashini Vs.MD, A.P.Women's Co-operative Finance Corporation Limited***, dismissed number of Writ Petitions filed by the part-time lecturers, who have not satisfied the conditions laid down in G.O.Ms.No.328 Education (CE.III) Department, dated 15.10.1997. It is stated that the petitioner herein did not satisfy the conditions laid down in the said G.O. and hence, the petitioner is not entitled for relief as prayed for. It is stated that for appointment to the post of lecturer, one should have 55% of marks in Post Graduation. The petitioner is not having the same on the date of appointment as part-time lecturer. The averments in paragraph No.7 of the counter also disclose that the petitioner was appointed as part-time lecturer on 06.11.1998 and worked as such till 09.11.2000. Again he was appointed as part-time lecturer on 01.07.2001 and continued till the date of filing of this Writ Petition.

Learned Government Pleader fairly submits that in view of the full Bench judgment of this Court in W.P.No.13370 of 2001, the petitioner is not entitled for the relief he sought.

It may be useful to extract the relevant portion of the judgment in W.P.No.13370 of 2001, which reads as under:

“Admittedly, the petitioner was appointed as part-time lecturer on temporary basis in unaided vacant post, but not in a regular vacancy. Therefore, he is entitled to be regularized subject to fulfillment of the terms and conditions as stipulated in G.O.Ms.No.328, Education (CE:III) Department, dated 15.10.1997, some of which are extracted hereunder:

- i) The part time lecturer must put in a service of three academic years as on 30.07.1991 or five academic years as on 25.11.1993 as the case may be and also continue in service on the date of issue of orders;
- ii) The part time lecturer must put in 360 working days as on 30.07.1991 and 600 working days as on 25.11.1993;
- iii) There must be an aided vacant post;
- iv) The workload should warrant for filling up of the vacancy;
- v) The surplus lecturers, if any, working in the subject should be adjusted and then only the part time lecturers should be considered, if there is a vacancy;
- vi) Counting of service shall be based on the certificate issued by the concerned Regional Joint Director of Higher Education and it should also be covered by audit of the concerned period;

As per the aforesaid G.O., the part time lecturers who have put in continuous service of three academic years as on 30.07.1991 or five academic years as on 25.11.1993 are alone entitled to be considered for regularization of their services, subject to fulfillment of other conditions. As the petitioner did not fulfill the conditions laid down in the aforesaid G.O., he is not entitled for regularization of his services as well as fixation of regular pay scale.

In so far as fixing the cut off date is concerned, the Hon'ble Supreme Court has already upheld the main G.O.Ms.No.212, dated 22.04.1994, the Act 2 of 1994 and the amended Act 3 of 1998 and Act 27 of 1998 in the case of **A.Manjula Bhashini v. MD, A.P.Women's Co-operative Finance Corpn.Ltd.(supra)**. Following the principles laid down by the Hon'ble Supreme Court in the aforesaid decision, we are of the opinion that the cut off date, as fixed in the aforesaid G.O. is legal and valid.

In view of the above, the petitioner is not entitled for any relief, as sought for. The Writ Petition is accordingly dismissed. No order as to costs.”

In view of the above, this Court is of the view that there is no obligation on the part of the respondents to consider the case of the petitioner for regularization of services and the Writ Petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall also stand closed.

JUSTICE C. PRAVEEN KUMAR

17.11.2015

vhb