HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.19579 OF 2006

ORDER:

Heard Mr.R.Sudheer for petitioner and the Assistant Government Pleader.

The petitioner prays for the following relief:

> "..nature of writ of Mandamus declaring G.O.Ms.35 Higher Education (EC-II-1) Department dated 27.3.2006 as prospective and not applicable to the promotion of the petitioner to the post of Lecturer in Zoology in the 3rd respondent college and consequently declare the action of the 2nd respondent in insisting for submitting an undertaking for taking out from the purview of Grant-in-Aid the resultant aided vacant post in the lower cadre from which the petitioner is being promoted vide his proceedings dated 17.8.2006 as arbitrary, illegal, ultra vires and violative of the petitioner's rights guaranteed under Articles 14 and 16 of the Constitution of India.."

On 22.09.2006, the following interim order was granted by this Court.

> "There shall be a direction to the respondents to consider the case of the petitioner for promotion to the post of Lecturer, without insisting for an undertaking from the management, as stated in the proceedings dated 17.08.2006. At the same time, the management shall also not fill up the resultant vacancy pending further orders."

From the interim order, it is clear that a direction has already been issued to respondents without reference to undertaking referred in the proceedings dated 17.08.2006. None of the respondents filed counter affidavit. From the above, it is clear that with the passing of the interim order, the substantial grievance of

petitioner is worked out. I am satisfied that the writ petition can be disposed of by this order.

The interim order dated 22.09.2006 is made as final order in the writ petition.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S.V.BHATT,J

Date:28.09.2016
Stp