

THE HON'BLE SRI JUSTICE A.V. SSHA SAI

WRIT PETITION No.19133 of 2005

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, prays for a declaration that the action of the respondents in not implementing the orders of this Court in W.P.No.24055 of 2004, dated 23-12-2004 is arbitrary, illegal and un-constitutional.

Heard.

Earlier the petitioner herein filed W.P.No.6352 of 2004 questioning the action of the respondents in not regularizing her appointment in the post of part time contingent servant (unaided) in the 4th respondent college with effect from 01-06-2001 and not paying salary attached to the said post since 01-01-2002 as illegal and arbitrary.

The said Writ Petition was withdrawn by the petitioner and the same was dismissed as withdrawn by this Court by way of an order, dated 05-10-2004.

Subsequently, the petitioner herein filed another Writ Petition, being W.P.No.24055 of 2004, before this Court, assailing the action of the respondents in not giving appointment in the post of part time contingent servant (unaided) in the 4th respondent college and not paying the salary attached to the said post since 01-01-2002 as illegal and arbitrary.

This Court, by way of an order, dated 23-12-2004 disposed of the said Writ Petition with a direction to consider the case of the petitioner in the event of there being any vacancy while declining to grant relief as sought. Thereafter the present Writ Petition came to be filed, praying for implementation of the orders passed in the above said Writ Petition No.24055 of 2004, dated 23-12-2004.

In this context it may be appropriate to refer to the judgment of this Court in **MANAGEMENT OF WILLIM MOON HIGH SCHOOL, TANDU, R.R. DISTRICT V. RADHABAI SHINDE AND OTHERS**¹, wherein this Court categorically held that the Writ Petition for enforcement of the orders passed in earlier Writ Petition is not maintainable.

In fact, a counter-affidavit deposed by the 3rd respondent is filed, stating that the petitioner got issued a Telegraphic notice on 28-01-2005 and the same was replied to on 14-02-2005, intimating non-availability of any suitable vacancy to accommodate the petitioner.

In view of the above reasons, the writ petition is dismissed. There shall be no order as to costs. The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

November 23, 2016

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¹ 2015 (4) ALD 138

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