

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

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WRIT PETITION No.6368 of 2016

ORDER :

During the course of hearing, it is brought to the notice of this Court that in identical set of circumstances, this Court in W.P.No.34096 of 2011 dated 07.02.2014 has disposed of the case and a copy of the same is placed on record along with the writ petition in the material papers.

In view of the same, there shall be similar order in this case also.

The petitioner herein is an employee of 4th respondent-Society and he worked upto the year 2003 and was discontinued because his appointment was made beyond excess of the staff requirement. The said action of the respondent-Society in discontinuing him on the said ground *per se* cannot be held to be incorrect because no society is expected to appoint staff beyond the requirements, particularly when it imposes financial burden on it. From this point of view, I am not inclined to grant a direction to straight away appoint the petitioner.

Sri G.V.Shivaji, learned counsel for the petitioner would submit that there is a substantial change in the present financial position of the society. According to him, the financial position of the society has improved and it has become viable. He submits that the society is likely to appoint fresh candidates. He would further submit that a direction be issued to respondent No.4 to consider the case of the petitioner for giving fresh appointment in case any exercise is being made for recruitment of fresh candidates.

Having regard to the above, this Writ Petition is also disposed of directing the 4th respondent to consider the case of the petitioner for appointment to suitable post whenever exercise is made for recruiting fresh candidates in accordance with law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

29th February, 2016
Rds

A. V. SESA SAI, J

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DATED : 29.02.2016

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