

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.19545 OF 2004

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioner as illegal, arbitrary and in violation of Articles 14, 16 and 21 of the Constitution of India.

The facts leading to filing of the present writ petition are briefly as follows:

The petitioner was appointed as temporary lecturer in civics on 06.09.1994 in 4th respondent degree college. On 01.07.1997 the petitioner was transferred to 5th respondent college in a clear aided vacancy. The case of the petitioner is that the respondents 1 to 3 have not regularized the services of the petitioner.

The contention of the learned Government Pleader is that the respondents 4 and 5 have not sent the proposals to respondents 1 to 3 for regularization. He further submitted that respondents 1 to 3 have no right whatsoever to regularize the services of the petitioner without a proposal from the concerned college, i.e., the 5th respondent.

It is not the case of the petitioner that in spite of the proposals sent by the 5th respondent, the respondents 1 to 3 have not considered his case for regularization. Earlier the petitioner filed Writ Petition No.13004 of 2004 for the self same relief. This Court permitted the petitioner to withdraw the writ petition

No.13004 of 2004 on 14.11.2005. No one is appearing on behalf of respondents 4 and 5. There is no information whether there is any vacancy in the 5th respondent college. It is not the case of the petitioner that he made a representation to the 5th respondent to send the same to respondents 1 to 3 to consider his case.

Taking into consideration the facts and circumstances of the case, the petitioner is permitted to make a representation to the 5th respondent for regularization of his services. The 5th respondent is hereby directed to forward the representation to the respondents No.1 to 3. On receipt of such representation, respondents No.1 to 3 shall dispose of the same in accordance with law.

With the above direction, the writ petition is disposed of. Consequently, miscellaneous petitions pending if any in this writ petition shall stand closed.

**T.SUNIL
CHOWDARY, J**

24.06.2016
Rns