

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.26989 of 2007

ORDER:

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

2. The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the action of the fourth respondent in L.Dis.No.4638/ B4/ 2006, dated 28.04.2006, pursuant to the ban imposed by the Government in Memo.No.12080/ COSE/ A2/ 2004-4, dated 20.10.2004 and the consequential memo issued by the first respondent in Government Memo.No.8544/ PS-1/ 2005-03, dated 14.11.2005 as illegal and arbitrary.

3. At the time when the matter is taken up for hearing, learned Government Pleader represents that in view of the interim order passed by the Division Bench of this Court in W.A.M.P.No.663 of 2014 in W.A.No.216 of 2014, the Managements of the private institutions are now permitted to make appointments even on compassionate grounds, after seeking appropriate approval from District Educational Officer and that any appointment made shall be subject to the result of the writ appeal. The said fact is not seriously disputed by the learned counsel for the petitioner.

4. Having regard to the above, the writ petition is disposed of directing the fifth respondent to make suitable application, if not already made to the District Education Officer, obtain the approval and then appoint the petitioner on compassionate grounds, if he has fulfilled all the requirements as on the date of making the application. Any such appointment made shall be subject to the result of the order passed by the Division Bench of this Court in W.A.No.216 of 2014. It is needless to mention that the said

exercise shall be completed within a period of four weeks from the date of receipt of a copy of the order. There shall be no order as to costs.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

JUSTICE C. PRAVEEN KUMAR

13.03.2017
vhb

