

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 23635 of 2001

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the 1st Respondent in not issuing orders admitting their posts to grant-in-aid on the basis of the report of the 3rd respondent, as illegal and arbitrary, and for a consequential direction to admit the petitioners to grant-in-aid and regularize their services from 03.01.2000 on par with others, as was done in the case of U.Mallikarjunaiah and others.

2. Heard Smt. M. Shalini, representing the counsel for the petitioners, and the learned Government Pleader for Higher Education, appearing for the 2nd respondent.

3. It has been contended by the learned counsel for the Petitioners that the posts of the petitioners are to be admitted into grant-in-aid against the P.G.Courses of 4th Respondent College, as was done in the case of Sri U.Mallikarjunaiah and other staff of the said College, vide G.O.Ms.No.1, Education (CE.II.I) Department, dated 03.01.2000.

4. The learned Government Pleader appearing for the respondents contends that as per the directions of this Court in case of U.Mallikarjunaiah (W.P.No.21298 of 1999) and other similar matters, and also basing on the proposals submitted by the Department, the Government has issued G.O.Ms.No.71, dated 25.09.2002 directing the Commissioner to admit the petitioners to grant-in-aid with prospective effect, subject to the conditions

stipulated in G.O.Ms.No.1, dated 03.01.2000 and the same was communicated to the 4th respondent-College. Therefore, now the petitioners are working against the grant-in-aid posts with effect from 25.09.2002.

5. I have considered the rival submissions made on behalf of both the parties and the material available on record. It is brought to the notice of this Court that in W.P.No.3460 of 2010 and batch dated 23.08.2017, this Court held that the un-aided services will be counted for the purpose of calculating pensionary benefits and other attendant benefits.

6. Both the learned counsel fairly concedes that the issue involved in the present writ petition is squarely covered by the said judgment and this writ petition can be disposed of in terms of the said judgment.

7. In view of the above, this writ petition is disposed of in terms of W.P.No.3460 of 2007 and Batch, dated 23.08.2017 and the services of the petitioners be counted in the un-aided service for the purpose of pensionary benefits.

As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

Abhinand Kumar Shavili, J

December 22, 2017

Kv

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



WRIT PETITION No. 23635 of 2001

December 22, 2017

Kv