

THE HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20254 of 2001

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in filling up the post of Lecturer in Botany in pursuance to the notification dated 20.06.2001, as arbitrary and illegal, and consequently to direct the respondents not to fill up the said post, as it affects the rights of the petitioner for seeking regularization.

2. Heard Smt. M. Shalini, learned counsel for the petitioner, learned Government Pleader for Education and Sri G.Dhananjai, learned counsel for the 3rd respondent College.

3. The case of the petitioner is that she has been working in the 3rd respondent College as a Lecturer in Botany since a long time and her case should be considered for absorption into grant in aid post, and while she was working as a Lecturer in Botany, the respondents have taken steps to fill up the post of Lecturer in Botany and issued a notification to fill up the post on 26.07.2001. While admitting the writ petition, this Court granted status quo orders and by virtue of the said orders, the respondents could not fill up the post of Lecturer in Botany.

4. Today when the matter is taken up for hearing, learned counsel for the petitioner submitted that the petitioner is still continuing as Lecturer in Botany in the 3rd respondent College and a direction may be issued to the 3rd respondent to absorb the petitioner into grant-in-aid post.

5. Such a direction cannot be granted in the writ petition as no such prayer was sought for by the petitioner in the present writ petition. If the petitioner is continuing in service as on today in the 3rd respondent College, she may agitate her rights seeking regularization of service into grant-in-aid post, by pursuing her remedies if she is so advised.

6. Hence, the Writ Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

December 05, 2017
KTL

