

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.13726 OF 2009

ORDER:

Heard Mr.Smhadri for petitioners and the learned Assistant Government Pleader for Social Welfare.

The petitioners pray for the following relief:

“...Writ of Mandamus declaring the action of the respondents in creating artificial breaks in the service of the petitioners for every 10 months and in not paying salaries for term Summer Vacations and in not regularizing the petitioners service from the date of the Appointment as Contract Residential Teachers as illegal, arbitrary unreasonable and violative of the fundamental Rights guaranteed to the petitioners under Articles 14,16 and 21 of the Constitution of India and issue a consequential direction to the respondents herein to regular the services of the petitioners from the dates their appointment as Contract Residential Teachers and issue a further direction to the respondents herein not create any artificial breaks for 10 months and pay salaries for summer vacations also.”

On 10.07.2009, this Court granted interim direction continuing the petitioners in service as 'Contract Residential Teachers'.

The respondents filed counter affidavit and also a petition to vacate the interim order.

The learned counsel for petitioners places before the Court the common order dated 07.06.2012 in W.A. No.204 of 2012 and batch. This Court through the instant common order declined the request of similarly situated teachers for regularisation and also did not accept the prayer against continuing the teachers with

intermittent breaks. However, having regard to the length of service the teachers have put in, dismissed the batch with the following observations:

“Parting with the matters, if the Government want to go to the rescue of the petitioners having regard to their length of service and usefulness for the schools not covered by the notification in G.O.Ms.No.3 and want to adjust them in such schools or in other areas of employment, it is open for the Government to do so, but in accordance with the service law and rules governing them.”

Counsel requests the Court to dispose of the present writ petition in terms of common order dated 07.06.2012.

The writ petition is dismissed with the above observations. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



S.V.BHATT, J

Date: 01.08.2017
Sp