

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.2413 OF 2017

ORDER:

Heard. With the consent of the parties, the writ petition is being disposed of at the stage of admission.

This writ petition is filed to declare the action of the respondents in not considering the case of the petitioners for absorption/regularization in the posts of School Assistants, Science and Mathematics, and filling up the said posts by outsiders as illegal and arbitrary.

The case of the petitioners is that they were appointed by the 5th respondent school as School Assistants in Science and Mathematics respectively in unaided posts and have been working ever since their appointment. Admittedly, the school is admitted to grant-in-aid and there are several posts in grant-in-aid, which are required to be filled up. The management has submitted proposals to the Commissioner and Director of School Education, 3rd respondent, on 26.08.2013 to grant permission to fill up the posts in grant-in-aid and the said proposals are yet to be acted upon and no decision is taken so far. The grievance of the petitioners is that without acting upon the proposals submitted by the Management, the respondents are taking steps to fill those vacancies by outsiders and if the said vacancies are filled up, grave prejudice would be caused to them.

Learned counsel for the petitioners submits that there are four vacancies of School Assistants and if the proposals submitted by the Management on 26.08.2013 are acted favourably,

petitioners can be absorbed into grant-in-aid posts and would get the consequential benefits.

Since the proposals submitted by the School Management, 5th respondent, are stated to be pending and so far no orders are passed, without expressing any opinion on merits of the contentions urged by the learned counsel for the petitioners, the writ petition is disposed of directing the 3rd respondent to act upon the proposals submitted by the 5th respondent on 26.08.2013, take a decision regarding the validity of the proposals and communicate the decision to the 5th respondent as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. If the proposals are already considered and a decision is already taken, the same shall be communicated to the 5th respondent. A copy of decision thereof shall also be communicated to the petitioners. Till the 3rd respondent takes a decision and communicates or the decision already taken by him is communicated to the petitioners, the 5th respondent is directed not to fill up one vacancy of School Assistant in Science and one vacancy of School Assistant in Mathematics.

Miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.

P. NAVEEN RAO, J

Date: 27.01.2017
ES