

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16345 of 2001

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioner, seeking a writ of mandamus to declare the order dated 28.02.2001 passed by the respondent university, as illegal and arbitrary. A consequential direction is also sought to the respondent university to regularize the services of the petitioner with effect from 06.11.1982 and grant all consequential benefits.

2. Heard Ms. M. Vidyavathi, learned counsel for the petitioner, and Ms. V. Himabindu, learned standing counsel for Sri Venkateswara University, appearing for the respondent.

3. In brief, the case of the petitioner is that he was appointed as course instructor in the Institute of Correspondence Course on 06.11.1982. The said institute was renamed as Directorate of Distance Education which was taken over by the respondent university. While he was working as course instructor, he had responded to a notification to the post of Lecturer issued by the respondent university and he was appointed as Lecturer in the Department of Education in S.V. University College on 06.03.1985. While so, the persons, who were similarly appointed as course instructors in the Institute of Correspondence Courses, filed a writ petition in W.P.No.801 of 1990 seeking regularization of their services and the said writ petition was allowed by an order

dated 10.11.1992 and the same was confirmed in W.A.No.945 of 1992 by an order dated 24.09.1995. The order passed in the aforesaid writ petition was implemented by regularizing the services of the petitioners therein from the date of their initial appointment. Since he is similarly situated as that of the petitioners in the above writ petition, he submitted a representation dated 16.12.2000 to the respondent university seeking to regularize his services with effect from 06.11.1982 on par with the similarly situated course instructors, but the respondent university rejected his case by proceedings No.E-II(4)/2001, dated 28.02.2001. The same is questioned in this writ petition.

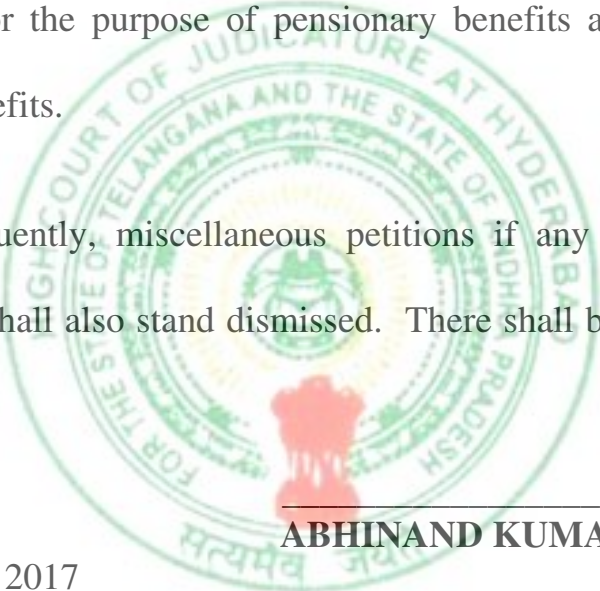
4. Learned counsel for the respondent university contends that since there is no specific direction in the order dated 10.11.1992 passed by this Court in W.P.No.801 of 1990 to regularize the services of all the course instructors working in the Institute of Correspondence Courses, the same benefit was not extended to the petitioner herein, and that in view of the fact that the petitioner was subsequently appointed as Lecturer in the Department of Education in S.V. University College, no interference is called for.

5. I have considered the submissions made by the parties. When the Court, as a principle, had directed that the instructors (petitioners in W.P.No.801 of 1990) working in the Institute of Correspondence Courses be regularized from the date of their initial appointment and in view of the fact that the petitioner was also working as instructor in

the same Institute, in all fairness, the respondent university being a State instrumentality ought to have extended the same benefit to the petitioner herein also being a similarly situated person. It cannot discriminate the similarly situated persons and force them to approach Courts.

6. Accordingly, the Writ Petition is disposed of, with a direction to the respondent university to take into consideration the services rendered by the petitioner for the period from 06.11.1982 to 05.03.1985 for the purpose of pensionary benefits and without any monetary benefits.

Consequently, miscellaneous petitions if any pending in the writ petition shall also stand dismissed. There shall be no order as to costs.



ABHINAND KUMAR SHAVILI, J

7th December, 2017
cbs

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(disposed of)

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