

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14582 of 2007

and

W.P.M.P.No.36427 of 2017

ORDER :

This Writ Petition is filed seeking a writ of mandamus, declaring the Memo No.15219/P.S.(2)/2004-5 dated 25.06.2005 issued by the 1st respondent as arbitrary and illegal. A consequential direction is also sought to regularize the services of the petitioner as Secondary Grade Teacher with effect from 20.08.1998 with all consequential benefits.

2. Heard Sri V.R.Avula, learned Counsel for the Petitioner and learned Government Pleader for Education appearing for the respondents.

3. It is the case of the petitioner that she was appointed as a Secondary Grade Assistant in the 5th respondent School on 25.06.1997. As she possessed requisite qualification, she submitted a representation to regularize her services in the post of Secondary Grade Teacher with effect from 20.08.1998, but her case was rejected vide orders dated 25.06.2005 on the ground that she was not appointed by duly following the procedure. However she has been continuously working without any interruption since the date of her initial appointment.

4. During the pendency of the Writ Petition, the petitioner has filed W.P.M.P. No. 36427 of 2017 seeking to regularize her services in the post of secondary grade teacher from 28.08.1998 with all

consequential benefits in terms of the G.O.Ms.No. 41, dated 30.06.2017 issued by the 1st respondent.

5. The learned Government Pleader for School Education contends that the aforesaid G.O. has no application and the case of the petitioner cannot be considered for regularization. He further contends that the 5th respondent has not submitted any proposals so far and if they submit proposals, then the question of consideration of the petitioner's case would arise.

6. On the other hand, the learned counsel for the petitioner contends that the 5th respondent has already submitted its proposals and therefore appropriate direction may be issued to the official respondents to consider the case of the Petitioner.

7. I have considered the rival submissions of the parties. I am of the considered view that the case of the petitioner deserves to be considered for regularization and admittance into grant in aid, since, she is working in the post for more than two decades in the 5th respondent's School. As it is stated that the 5th respondent Management had already submitted proposals, the Official respondents are directed to consider the case of the petitioner for admittance into grant in aid, taking into consideration the said proposals in terms of G.O.Ms.No. 41, dated 30.06.2017. If the 5th respondent management has not submitted proposals, then the 5th respondent management shall submit proposals to the competent authorities within a period of four weeks from today, and the official respondents are directed to consider the case of the petitioner for admittance into grant in aid in terms of G.O.Ms.No. 41 dated

30.06.2017, within 8 weeks thereafter. With this direction the writ petition is disposed of. The W.P.M.P.No.36427 of 2017 is ordered.

There shall be no orders as to costs.

8. The Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

15th December, 2017

JR

