

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 10719 of 2011

O R D E R:

The case of the petitioners herein is that initially, they were appointed as Attenders against the existing vacancies in respondent No.4-College. Though they have been working since decades, their services were not regularized by the respondent-college. Aggrieved by the same, they filed a writ petition in WP No.26488 of 2010 and this court by order dated 26.11.2010 disposed of the said writ petition and the operative portion of the same reads as follows:

"Hence, the writ petition is disposed of, leaving it open to the petitioners to make representation to the respondents for extension of the benefit under G.O.ms.No.212, dated 22.04.1994. As and when such representation is made, the respondents shall consider it, in accordance with law and pass appropriate orders, within a period of three months from the date of receipt thereof."

2. In pursuance of the above orders, they made a representation to respondent authorities. However, respondent No.1 vide Memo.No.700/CE.II-1/2011-1, dated 31.03.2011

rejected their request for regularization of their services, on the ground that they are working in aided posts. Challenging the rejection order dated 31.03.2011, they filed the present writ petition seeking *Mandamus* declaring the action of respondents in rejecting their for regularization of their services in terms of G.O.Ms.No.212, dated 22.04.1994, as illegal and arbitrary.

3. Heard Sri Ch.Dhanunjay, learned counsel for petitioners and learned Government Pleader for Higher Education.

4. Learned counsel for petitioners would contend that though the petitioners have put up several years of unblemished service, respondent No.4-college did not consider their case for regularization of their services on the ground that the said posts are unaided posts, but as per terms of G.O.Ms.No.212, dated 22.04.1994, the petitioners are eligible for regularization of their services and hence, prayed this court to set aside the impugned order dated 31.3.2011.

5. On the other hand, learned Government Pleader appearing for respondents would contend that petitioners joined in unaided posts and that the service put-up by them is not countable for the purpose of regularization and that the question of

applicability of G.O.Ms.No.212, dated 31.03.2011, would not arise to the persons who were appointed in the private educational institutions. Considering all these factors, respondent No.1 has rightly rejected the case of the petitioners in the impugned order. Hence, the writ petition is not maintainable and is liable to be dismissed.

6. I have considered the submissions made by the learned counsel on either side and perused the material on record as well as the impugned order.

7. As seen from the record, admittedly, petitioners had put-up considerable service in respondent No.4-college since their joining in the unaided posts. The very appointment of the petitioners was as per the rules and regulations framed by respondent No.4-management, and they have been working as Attenders, in which post, they joined duty initially. In that view of the matter, duty is cast upon the respondent No.4-management to take steps for regularization of unaided posts (Atenders). Therefore, this court is of the considered view that ends of justice would be met, if respondent No.4 -management is directed to send proposals to respondent Nos.1 to 3 for

absorption of petitioners in the existing or arising aided posts, within a period of two (02) weeks from the date of receipt of the copy of the order and upon receipt of such proposal, it is for respondent Nos.1 to 3 to consider the same and pass appropriate orders in accordance with law within a period of four (04) weeks thereafter.

8. With the above direction, the writ petition is disposed of.

No costs.

9. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

Note: CC by three days
B/o.Mj/
26th September, 2018



ABHINAND KUMAR SHAVILI, J