

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.10846 of 2001

ORDER:

The Writ Petition is filed declaring the inaction of respondents in absorbing the petitioner as a lecturer in respondent No.2 – College in the aided vacancy, and trying to fill up the said vacancy by way of transfer of the lecturers working in the Degree College pursuant to the order of respondent No.1 dated 19.03.2001, as being illegal and arbitrary.

Brief facts, according to the petitioner, are that he joined in respondent No.2 - College as against aided post, vide appointment letter dated 03.12.1996; he requested respondent No.2 - College to absorb him in the aided vacancy; respondent No.1, by letter dated 19.03.2002, granted permission for shifting/transfer of the lecturers in Commerce from Degree College to P.G.College; and respondent No.2 has since been taking steps to transfer two senior most lecturers in the Department of Commerce working in the Degree College to P.G. College, the present writ petition is filed.

Counter affidavit has been filed by respondent No.1 stating that petitioner was appointed as lecturer in Commerce in unaided post by respondent No.2 – College on 03.12.1996 violating the instructions of respondent No.1 dated 31.07.1991; the appointment of petitioner as unaided lecturer was not brought to the notice of respondent No.1 by respondent No.2 – College till the petitioner made a representation to respondent No.1; the claim of the petitioner for his absorption into aided vacant post of lecturer in Commerce in P.G. College is not maintainable; respondent No.1, therefore, accorded permission to respondent No.2 – College for

transfer/shifting of two lecturers from Degree College to P.G.College; thus, petitioner cannot claim for absorption into aided post existing in P.G. Course as he was not selected through property constituted Selection Committee during the year 1996; and, since he was appointed in unaided post, he cannot claim absorption into aided post.

On 08.02.2018, the matter was adjourned at the behest of counsel for petitioner to get latest instructions. Today, when the matter came up for hearing, learned counsel for the petitioner submits that he could not contact his client.

Learned counsel representing respondent No.2 – College submits that the petitioner is not working in respondent No.2 – College as on date.

In view of the submissions made by the counsel for respondent No.2 – College, which is not disputed by the counsel for the petitioner, no further orders are necessary to be passed in the writ petition.

The Writ Petition is, accordingly, closed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Dt:23.02.2018
 usd