

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 17686 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus directing the respondents to regularize the services of the petitioner in class-IV category in terms of G.O.Ms.No.212 dated 22.04.1994.

Heard Sri M. Giri, learned counsel for the petitioner and learned standing counsel for the respondents.

It has been contended by the petitioner that she was appointed as Food Worker in the respondent university in the year 1997 and though she is fully eligible and qualified to be regularized as Class-IV employee, the respondents have not considered his case for regularization of his services.

Learned counsel for the petitioner has submitted that appropriate direction may be issued to the respondents to regularize the services of the petitioner.

In *Secretary, State of Karnataka V. Umadevi*¹ the Apex Court held with regard to regularization of services of employees as under:

“One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V.Narayanappa, R.N.Nanjundappa and B.N.Nagarajan and referred to in para 15 above, of duly qualified person in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the Courts or of Tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above-referred to and in the light of this

¹ (2006) 4 SCC 1

judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the Courts or of Tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme.”

This Court, having considered the submissions of the learned counsel on either side and in the facts and circumstances of the case, is of the view that ends of justice would be met if the respondents are directed to consider the case of the petitioner for regularization of her services in terms of judgment of the Apex Court cited supra, if the petitioner is otherwise found eligible and qualified, and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

2nd November, 2018
cbs

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(disposed of)

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