

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 7242 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondent college in terminating the services of the petitioner with effect from 28.03.2002, as illegal and arbitrary. A consequential direction is also sought to the respondent college to re-engage the petitioner as Lecturer in Telugu.

Heard Sri P.B. Vijay Kumar, learned counsel for the petitioner, and Sri V.B.Subrahmanyam, learned counsel for the respondent college.

It has been contended by the petitioner that she is fully eligible and qualified to be appointed as Lecturer in Telugu and accordingly she was appointed as Lecturer in Telugu in the respondent college. While so, the respondent college has terminated her services on 27.03.2002 without following due process of law. She further contended that Section 83 of the Education Act, 1982 deals with retrenchment of employees and as per the said Section, no employee can be retrenched without obtaining prior approval from the competent authority, but in the instant case, no prior approval was obtained from the competent authority before passing the termination orders. She also contended that in an identical case in W.P.No.25526 of 1999, this Court set aside the orders of termination and directed

that the petitioner therein be continued in service and, therefore, the impugned orders are liable to be set aside.

Learned counsel for the respondent college has contended that the petitioner was not appointed on regular basis and she was appointed only on adhoc basis, that too, for a limited period and in case of temporary employees, there is no requirement of obtaining prior approval from the competent authority and, therefore, no interference is called for from this Court.

Having considered the rival submissions made by the learned counsel on either side and perused the record. I am of the considered view that the impugned orders of termination of the services of the petitioner are contrary to Section 83 of the Education Act and they are liable to be set aside and, accordingly, they are set aside with all consequential benefits.

In the result, the writ petition is allowed to the extent indicated above. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

2nd November, 2018
cbs

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Writ Petition No. 7242 of 2002
(allowed)

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