

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25666 of 2003

ORDER :

This writ petition is filed seeking a Writ of Mandamus, declaring the action of respondents in not regularizing the services of petitioner as Lecturer in Commerce in the 4th respondent/college, as illegal and arbitrary after declaring paragraphs 9(5) and 13 of G.O.Ms.No.328, dated 15.10.1997 insofar as fixing the cut-off date for counting the eligibility for regularization and annulment of guidelines issued under the said G.O., after the period of six months as illegal and arbitrary, and consequently direct the respondents to regularize the services of petitioner as Lecturer in Commerce in the aided vacancy of 4th respondent-College with all consequential benefits.

2. Heard Sri P.V.S.S.S.Rama Rao, learned counsel for petitioner and the learned Government Pleader for Education.

3. It has been contended by the petitioner that he was appointed as a Part-time Lecturer in Commerce in August 1994 in the 4th respondent-College and since then, he has been discharging his duties. The grievance of the petitioner is that though a vacancy of the aided post of Lecturer in Commerce arose due to the death of one Sri T.Koti Lingam in the month of February, 2003, the respondents are not considering the case of the petitioner for

appointment. It is contended that the petitioner is still continuing as a Part-time Lecturer and that this writ petition be allowed and the petitioner be absorbed into the aided vacancy of Lecturer in Commerce in the 4th respondent/college.

4. The learned Government Pleader appearing for respondents has contended that the petitioner was not appointed in accordance with Rules and he is working only as a Part-time Lecturer and he is not entitled for absorption into aided service.

5. This Court, having considered the rival contentions of the parties, is of the considered view that this writ petition can be disposed of directing the 4th respondent-College to submit proposals if the petitioner is working as on today, to the 1st respondent, and on receiving such proposals, the 1st respondent shall consider the same and pass appropriate orders in accordance with Rules.

6. With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

14th November, 2018

ajr