

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.13786 of 2005ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the respondents in not regularizing the services of the petitioner in terms of G.O.Ms.No. 328, dated 15.10.1997, as illegal, arbitrary and for a consequential direction to the respondents to regularize/ absorb the petitioner into aided post of Lecturer in Zoology in the 3rd respondent-College from the date of his eligibility, with all consequential benefits.

2. During the pendency of the writ petition, when the case of the petitioner was considered and rejected, he filed an amendment petition seeking to set aside the rejection order dated 09.06.2010. The said amendment petition was ordered vide orders dated 21.02.2017.

3. Heard Sri A.Venkata Ramana, counsel for the petitioner and the Government Pleader for Education Department.

4. It has been contended by the petitioner that he was appointed as a Lecturer in Zoology in the 3rd respondent-College on 02.11.1989 on part-time basis, and ever since, he has been discharging his duties without any complaint from any quarters. It has been further contended by the petitioner that the State Government has issued G.O.Ms.No. 328, dated 15.10.1997, wherein the State Government has taken a policy decision to regularize such of those Lecturers who are working on part-time basis. The G.O. further states that part-time Lecturers must put in 600 working days or (5) academic years as on 25.11.1993, to be eligible for regularization of their services. The petitioner contends that though he

has completed more than 600 working days as part-time Lecturer, his case is not being considered for regularisation. In fact, the case of the petitioner was considered and rejected, vide proceedings dated 09.06.2010.

5. The counsel appearing for the petitioner contends that the issue raised in this writ petition is squarely covered by the judgment rendered by this Court in W.P.No. 19679 of 2001, dated 22.07.2009 and also W.P.No. 5304 of 1998, dated 13.11.2001, and that the orders issued in W.P.No. 5304 of 1998 were confirmed by a Division Bench of this Court in W.A.No. 2038 of 2001, dated 22nd July, 2008. He further contends that the case of the petitioner deserves to be considered for regularization in terms of G.O.Ms.No. 328, dated 15.10.1997.

6. The Government Pleader appearing for the respondents had contended that the petitioner had completed 600 working days, but, however, he is not within the cut-off date mentioned in G.O.Ms.No. 328, dated 15.10.1997, and hence, not entitled to be regularized in terms of the said G.O., and there are no merits in the writ petition and the same is liable to be dismissed.

7. This Court, having considered the rival submissions of both the parties, is of the considered view that the respondents have not taken into account the fact that the petitioner has completed 600 working days as part-time Lecturer and have rejected his case for regularisation. Therefore, the impugned orders passed by the respondents, vide orders dated 09.06.2010, rejecting the case of the petitioner for regularization of his services, are set aside, and the respondents are directed to reconsider the case of the petitioner for regularizing his services in terms of G.O.Ms.No. 328, dated 15.10.1997, taking into account the judgments

rendered by this Court in W.P.No. 19679 of 2001, dated 22.07.2009 and also W.P.No. 5304 of 1998, dated 13.11.2001, which were confirmed by a Division Bench of this Court in W.A.No. 2038 of 2001, dated 22nd July, 2008, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous petitions pending, if any, stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 31.10.2018

Note: Issue cc in one week

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DMG

