

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.9002 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For all the facts and circumstances stated in the accompanying affidavit it is prayed that this Hon’ble Court may be pleased to declare the action of the respondents is as illegal, irregular and inviolation of Art.14,16 and 21 (a) of the Constitution of India and also the principles laid down in the Judgment in W.P.No.9503/2005 and batch dt: 13-7-2013 and also the recent Judgment in W.P.No.46020/2016 in not permitting the Institution, petitioner to fill up the two grant-in-aid SGT posts fell vacant on 1-11-2000 and 1-8-2009 on the retirement of the two incumbents by issuing a Writ of Mandamus and consequently direct the respondents to grant permission to the petitioner Institution to fill up the two aided SGT posts and pass such other order or orders deems fit and proper in the interest of justice.”

(Reproduced verbatim)

2. I have heard the submissions of Smt *K.N.Vijaya Lakshmi*, learned counsel appearing for the petitioner, and of the learned Government Pleader for School Education appearing for the respondents 1 to 3. I have perused the material record.

3. Learned Government Pleader for School Education would submit that after the lifting of the ban, as and when the institutions are making applications to the DEO concerned by following the procedure established by law, the same are being processed taking into consideration the student and teacher ratio and also the work load, which an aided teacher would be having in the event of according permission for filling of such vacant aided post and that till today, the petitioner institution has not made an application to

the DEO concerned and it is not averred in the writ petition that such an application is made to the DEO concerned.

4. Learned counsel for the petitioner, in reply, would submit that the petitioner would make a necessary application as early as possible.

5. Recording the submissions, the Writ Petition is disposed of reserving liberty to the petitioner to make an appropriate necessary application to the DEO concerned, by following the procedure established by law. It is needless to state that in the event of the petitioner institution making such an application, the DEO concerned/3rd respondent shall dispose of the same, as expeditiously as possible, and preferably within a period of eight (08) weeks from the date of receipt of such application. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M.SEETHARAMA MURTI, J

Date: 20th March, 2018

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