

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.23056 OF 2003

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ or order or direction, especially one in the nature of Writ of Mandamus:

- (i)declaring the action of the respondents in not considering the case of the petitioner for absorption into Aided Secondary Grade Teacher (SGBT) Post in the 5<sup>th</sup> respondent School as illegal, arbitrary and unconstitutional and offends Articles 14,16 and 21 of the Constitution of India;
- (ii)direct the respondents to consider the petitioner's case for absorption into the 5<sup>th</sup> respondent school as Secondary Grade Teacher (SGBT) Post and
- (iii)pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Smt M.Shalini, learned counsel appearing for the petitioner and learned Government Pleader for Education appearing for respondents 1 to 4.

It is the case of the petitioner that he was appointed as a School Assistant in the 5<sup>th</sup> respondent-School *vide* proceedings dated 6.9.2001 and his appointment was also approved by the competent authority in an aided vacancy. Thereafter, the 5<sup>th</sup> respondent-School was admitted into grant-in-aid. When a vacancy in the cadre of Secondary Grade Teacher had arisen, she submitted a representation to the 3<sup>rd</sup>

respondent to absorb her in an aided vacancy, but the 3<sup>rd</sup> respondent had not considered her case. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that the petitioner is highly qualified and is working as a School Assistant and when a regular aided vacancy in the cadre of Secondary Grade Teacher had arisen in the 5<sup>th</sup> respondent-School, she requested the respondents to absorb her into aided vacancy, but the respondents have not considered her case.

Learned Government Pleader appearing for respondents 1 to 4 submits that unless proposals are submitted by 5<sup>th</sup> respondent, respondents 1 to 4 cannot absorb the services of the petitioner into aided vacancy.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that ends of justice would be met if a direction is given to the 5<sup>th</sup> respondent to submit proposals afresh to respondents 1 to 4.

Accordingly, the Writ Petition is disposed of directing the 5<sup>th</sup> respondent-School to submit proposals afresh for absorption of the petitioner in an aided vacancy of Secondary Grade Teacher, if she is working as on today, within one

week from the date of receipt of a copy of this order and on receipt of such proposals, respondents 1 to 4 shall consider the same and pass appropriate orders, in accordance with law, within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*14<sup>th</sup> November, 2018*

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