

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16545 of 2004

ORDER :

This writ petition is filed seeking a writ of mandamus calling for the records on the file of 1st respondent in Memo No.7973/PS-1/2002-5, dated 24.05.2004 and set aside the same and consequently, sought for a direction to consider the case of the petitioner for absorption into the vacant aided post existing in the 4th respondent school.

2. Heard Sri B.Kamalakara Rao, learned counsel for the petitioner and learned Government Pleader for School Education.

3. It has been contended by the petitioner that the petitioner was appointed as Secondary Grade Teacher in the 4th respondent school on 20.08.1993 and the post held by the petitioner was approved by the competent authority vide proceedings dated 25.05.1994. While the petitioner was working in the 4th respondent school, an aided vacancy arose consequent upon the retirement of a regular incumbent during 2002. The petitioner submitted a representation to the respondents on 17.04.2002 requesting to absorb her into the said aided post. Considering the representation of the petitioner, the respondents have initiated process of absorbing her into the aided service, but in the process, it was realised by the 2nd respondent that the claim of the petitioner that her appointment was approved by the competent authority in unaided service vide proceedings dated 25.05.1994 were found to be not genuine and her case for regular appointment in aided post was not considered and the same was rejected by the 2nd respondent

vide proceedings dated 24.05.2004. Challenging the same, the present writ petition is filed.

4. The Government Pleader appearing for the respondents has contended that since the certificate of approval relied upon by the petitioner was not found to be genuine, her case was rightly rejected and her case cannot be considered because there is a ban for appointment to the aided vacancies.

5. The learned counsel appearing for the petitioner has contended that as on today, the petitioner is working in an aided vacancy, but the respondents are not approving the appointment of the petitioner in the aided vacancy.

6. This Court, after considering the rival submissions made by the parties, is of the view that if the petitioner is continuously working from the date of her initial appointment in the 4th respondent school, the 4th respondent school shall forward proposals to the competent authority for approval of her post into the aided vacancy within two weeks from the date of receipt of a copy of this order and upon receiving such a proposal from the 4th respondent school, the competent authority shall consider the same and pass appropriate orders in another four weeks thereafter.

7. With the above observations, the writ petition is disposed of. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

17th AUGUST 2018
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