

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 25352 of 2003

O R D E R:

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the action of respondents in not regularizing the services of the petitioner in the post of Lecturer in Hindi with effect from 01.08.1994 as illegal and arbitrary.

It is stated that petitioner was appointed as Lecturer in Hindi in respondent No.3-College on 01.08.1994 in an existing aided vacancy, which was earmarked for Scheduled Tribes (S.T). Respondent No.3-College gave advertisements thrice to fill up the said post by suitable S.T. candidate. When no ST candidate had responded, respondent No.3 -College de-reserved the said post and the same was filled up with the petitioner. Accordingly, the services of the petitioner were regularized as a Lecture in Hindi in the aided vacancy vide G.O.Rt.No.668, dated 13.09.2001.

The grievance of the petitioner is that the competent authority ought to have regularized his services in the post Lecturer in Hindu with effect from 01.08.1994, the date on which

he was appointed in the said post, instead of 13.09.2001. Hence this writ petition.

Heard Sri K.Givindarajulu, learned counsel for petitioner and learned Government Pleader for Education appearing for respondents.

Learned counsel for petitioner would submit that initially, petitioner was appointed in a clear existing vacancy and respondent No.1, who was the competent authority, considering the length of service rendered by him, ought to have regularized his services with effect from 01.08.1994 instead of 13.09.2001.

Learned Government Pleader for Education appearing for respondents would submit that the post of Lecturer in Hindi has been de-reserved for ST categorically to that of OC vide G.O.Rt.No.668, dated 13.09.2001 and respondent No.1 had rightly passed the orders regularizing the services of the petitioner against the said post which he has been working since three years as on that date.

This Court, having considered the rival submissions of the parties, is of the opinion that the case of the petitioner cannot be considered with effect from 01.08.1994 (the date of his initial

appointment in unaided post) since at that point of time, the post of Lecturer in Hindi was reserved for Scheduled Tribe and when the said post was de-reserved, the said post meant for SC to that of OC vide G.O.Rt.No.668, dated 13.09.2001 and after giving advertisements thrice, the services of the petitioner were regularized with effect from 13.09.2001 and hence, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

17th December, 2018
Mj/l/*

ABHINAND KUMAR SHAVILI, J