

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.22728 OF 2002

ORDER

This writ petition is filed seeking the following relief:

“....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the third respondent in terminating the services of the petitioners with effect from 1.11.2002, as illegal, arbitrary, improper and unconstitutional and further declare the action of the respondents 1 and 2 in not admitting the non-teaching posts in which the petitioners are working into grant-in-aid though they were duly selected and appointed after due process of selection and though the first respondent recommended for release of grant-in-aid on 18-12-1998, as illegal, arbitrary and unconstitutional and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

In spite of the matter being listed under the caption “for dismissal”, none appears and no representation is made on behalf of the petitioners.

The grievance of the petitioners is that though they were appointed as Lab Record Assistants, Store Keepers and Attenders, after undergoing regular selection process, in the 3rd respondent-College, 1st and 2nd respondents are not considering their cases for absorption into grant-in-aid.

Learned Government Pleader appearing for 1st and 2nd respondents contends that the petitioners were not appointed

as per rules and the teaching staff working in the 3rd respondent-College were admitted into grant-in-aid and non-teaching staff were not admitted into grant-in-aid and hence, the question of considering the cases of the petitioners for absorption does not arise.

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 3rd respondent to submit proposals afresh to 1st and 2nd respondents.

Accordingly, the Writ Petition is disposed of directing the 3rd respondent to submit proposals afresh to 1st and 2nd respondents, if the petitioners are working as on today, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposals, 1st and 2nd respondents shall consider the same and pass appropriate orders in accordance with the Rules within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

8th November, 2018
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