

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 8744 of 2004

O R D E R:

Petitioner was initially appointed as Secondary Grade Assistant (un-aided) on 01.08.1985. While so, respondent No.5 directed the petitioner to discharge his duties in the arisen post of B.Ed., Assistant (Science). Though he is discharging his duties in the aided post, respondent No.5 did not consider his case for absorption in the post of B.Ed., Assistant (Science). The petitioner submitted a representation to respondent No.5 to consider his case for absorption. Accordingly, respondent No.5 has sent proposals to respondent Nos.1 to 3, but the Government rejected the said proposals. It is stated that respondent authorities vide orders dated 11.11.1992 absorbed the services of the petitioner in Secondary Grade Teacher (SGT) Post.

The case of the petitioner is that the respondent authorities ought to have considered his case for absorption in the post of B.Ed., Assistant instead of SGT Post. Challenging the same, the present writ petition is filed.

Heard Sri M.N.Narasimha Reddy, learned counsel for petitioner and learned Government Pleader for Education and perused the material available on record.

Learned counsel for petitioner would submit that respondents ought to have considered the case of the petitioner for absorption in the post of B.Ed. Assistant taking into consideration of the fact that he is fully eligible and qualified and has been continuously discharging his duties as such.

Learned Government Pleader would contend that the case of the petitioner was considered for absorption in the aided post of SGT Teacher and hence, the question of further considering his case for absorption in the post of B.Ed., Assistant does not arise.

This Court, having considered the rival submissions of both the counsel is of the considered view that ends of justice would be met if respondent No.5-Management is directed to submit proposals for absorption of petitioner in the post of B.Ed., Assistant in which post he has been working as on date, within a period of two weeks from the date of receipt of a copy of the order and upon receipt of such representation, respondent Nos.1

to 3 shall consider and pass appropriate orders within a period of four weeks from the date of receipt of a copy of the order.

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

ABHINAND KUMAR SHAVILI, J

03.12.2018
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