

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.5919 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring paragraph No.9(5) and 13 of G.O.Ms.No.328, Education (CE.III) Department, dated 15.10.1997 insofar as fixing the cut off date for counting the eligibility for regularization; annulment of the guidelines issued under the said G.O., after a period of six months and also not following the provisions of Act 24 of 1997, as illegal and arbitrary, and consequently, to direct the respondents to regularize the services of the petitioner as lecturer in English in the aided vacancy of the 4th respondent-college with all consequential benefits like seniority etc.

2. Heard Sri Y. Vivekananda Swamy, learned Counsel for the petitioner and the learned Government Pleader for Higher Education.

3. It has been submitted by the petitioner that he is fully qualified to be appointed as regular lecturer in English and he was appointed in the 4th respondent-college on 28.7.1998 as part time lecturer in vacant aided post, and even though he has been continuously working in the said post, the respondents are not taking any steps to regularize his services in aided post. The case of the petitioner is that the State Government issued G.O.Ms.No.328, dated 15.10.1997 under which the State has taken a policy decision to regularize such of those part time lecturers who have been working in aided colleges, provided they have put in service of three academic years as on 30.7.1991 or five academic years as

on 25.11.1993. It has been submitted by the petitioner that since he was appointed after the cut off date fixed in G.O.Ms.No.328, dated 15.10.1997, his case was not being considered and therefore, he filed the present writ petition.

4. The learned Government Pleader submits that as a one time measure, the State Government has issued G.O.Ms.No.328, dated 15.10.1997 taking a policy decision to regularize the services of part time lecturers working in the aided colleges in the State, and such scheme is not in force at present so as to consider the case of the petitioner for regularization and that the cut off dates fixed under G.O.Ms.No.328, dated 15.10.1997 are valid and they do not require any alteration and therefore, the writ petition may be dismissed on the ground that the petitioner has not put in service of three academic years as on the date fixed in the above G.O.

5. Having regard to the submissions made by the parties and the circumstances of the case, this Court is of the considered view that though the scheme of regularization of part time lecturers has been taken up vide G.O.Ms.No.328, dated 15.10.1997 long time back, if the petitioner is still continuing as a lecturer in an aided vacancy of the 4th respondent-college, the respondents can as well consider his case for absorption into aided post as was done in case of several lecturers in the State. Ends of justice would be met, if this writ petition is disposed of directing the respondents to consider the case of the petitioner for absorption into aided post.

6. Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner for absorption into an aided post provided the petitioner is continuing in services as a lecturer in the aided vacancy, if he is otherwise fully eligible and qualified and if there is vacancy in the 4th respondent-college. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

Dated: 22nd June, 2018
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22.6.2018

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