

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8074 of 2004

ORDER :

This writ petition is filed seeking a Writ of Mandamus, directing the respondents to absorb the petitioner with effect from 04.12.2000 the day on which the petitioner was originally absorbed into the aided post in the 4th respondent-institution by declaring the proceedings issued by the 3rd respondent in Rc.No.199(C1)C7-2000, dated 15.11.2003, as illegal, arbitrary and contrary to the orders passed by the 1st respondent in Memo No.14864/PS-1/2002-1, dated 07.10.2002 and proceedings issued by the 2nd respondent in Rc.No.109/D1-2/2000, dated 22.07.2002, and re-fix the pay and salary of petitioner w.e.f. 04.12.2000 and pay arrears of salary including continuity of service and seniority.

Heard Sri B.Prakash, learned counsel for petitioner and learned Government Pleader for School Education.

It has been contended by the petitioner that she was appointed as a Secondary Grade Teacher in the 4th respondent-School on 30.08.2000. While the petitioner was discharging her duties as Secondary Grade Teacher, an aided vacancy arose in the 4th respondent-school on 02.12.2000 and the 4th respondent had submitted proposals to the competent authority to absorb the petitioner in aided vacancy. The respondents were pleased to consider the case of the petitioner and absorbed her into aided

service vide proceedings dated 15.11.2003. However, while absorbing the services of petitioner in aided post, she was kept as an apprentice for a period of two years in terms of G.O.Ms.No.100, dated 16.08.2009. The learned counsel for petitioner contend that treating the petitioner as apprentice for a period of two years is contrary to the Government Memo dated 10.02.2003 and the petitioner is entitled for absorption into aided vacancy from the date of her initial appointment i.e. 04.12.2000 and the respondents are not paying the salary in aided post from the date of her initial appointment, which action of respondents is arbitrary and illegal and contrary to the Rules.

The learned Government Pleader appearing for respondents has contended that the competent authority has rightly approved the appointment of petitioner into aided post vide proceedings dated 15.11.2003 and no illegality has been committed by them and there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival contentions of the parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within a period of one week from the date of receipt of a copy of this order for her absorption into aided post with effect from 04.12.2000. Upon such representation being submitted,

the respondents shall consider the same by duly taking into account the Memo dated 10.02.2003 and pass appropriate orders within four weeks thereafter.

With the above directions, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th November, 2018

ajr

