

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.17989 of 2002ORDER:

This writ petition is filed seeking a writ of mandamus, declaring the inaction of the respondents herein in approving the appointment of the petitioner in aided vacancy, as arbitrary, illegal and consequently direct the respondents 1 and 2 to approve the proposals submitted by the College and absorb the services of the petitioner in any clear aided post such as Junior Assistant or Record Assistant or any other suitable post, in view of G.O.Ms.No. 429, dated 12.11.1994 and G.O.Ms.No. 212, dated 22.04.1994.

2. Heard Sri Sukhesh Mishra, counsel for the petitioners and Sri Narsimha Rao, Government Pleader for the 3rd respondent-College.

3. It has been contended by the petitioners that she was appointed as a Record Assistant on 25.01.1995 in the 3rd respondent-College and ever since, she has been discharging her duties without any complaints. It is further contended by the petitioner that the 3rd respondent-College is admitted into grant-in-aid and the management of the 3rd respondent-College has submitted proposals to absorb the petitioner into an aided vacancy on 02.03.2002 and 23.07.2002, but the respondents 1 and 2 have not passed any orders on the said proposals.

4. The Government Pleader appearing for the respondents has contended that the petitioner was not appointed by following the rules, and hence, the question of considering her case for absorption into aided service, would not arise, and there are no merits in the writ petition, and the same is liable to be dismissed.

5. The counsel appearing for the 3rd respondent-College had contended that right from 1995 onwards, the petitioner has been working in the 3rd respondent-College and as there are many aided vacancies, the case of the petitioner can be considered for absorption into aided service.

6. This Court, having considered the rival submissions made by both parties, is of the considered view that this writ petition can be disposed of, directing the 3rd respondent-College to submit a fresh proposal of absorption of the petitioner into an aided post, if the petitioner is still working in the 3rd respondent-College, within one week from the date of receipt of a copy of this order, and upon such a proposal being submitted by the 3rd respondent, the respondents 1 and 2 shall consider the case of the petitioner for absorption into an aided vacancy, and pass appropriate orders in another four weeks.

7. With these observations, the writ petition is disposed of. No order as to costs. Miscellaneous petitions pending, if any, stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 01.11.2018
DMG