

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17459 of 2006

ORDER:

This writ petition is filed seeking the following relief :

“to call for the records pertaining to proceedings in Rc.No.277/D1-2/2002, dated 2.2.2002 of the 2nd respondent and declare the action of the third and fifth respondents in not initiating any steps to regularize the post of the petitioner into Aided service, as illegal and arbitrary and consequently set aside the proceedings to the extent of making a rider of “without any Grant-in-Aid now or in future” in D.Dis.No.10071/CS/95, dated 25.1.2000 of the 4th respondent without any basis and consequently to direct the respondents 1 and 2 to consider the case of the petitioner granting Grant-in-Aid in her case w.e.f. 2.8.1982 from the date of regularization, with all consequential monetary benefits”.

Heard Sri M.V. Rajaram, learned counsel for the petitioner and learned Government Pleader for School Education.

It is contended by the petitioner that she was initially appointed as Hindi Pandit Grade-II in the fifth respondent School in un-aided post and she had joined the said post on 2.8.1982. The appointment of the petitioner was approved by the competent authority *vide* proceedings dated 25.1.2000 with a condition that no aid will be granted as on the date or in future. Three Grant-in-Aid posts in the school run by the 5th respondent were sanctioned and her case should be considered by absorbing her services into the said posts. The petitioner is fully eligible and qualified to the post of Hindi Pandit Grade-II and also to be admitted in Grant-in-Aid post.

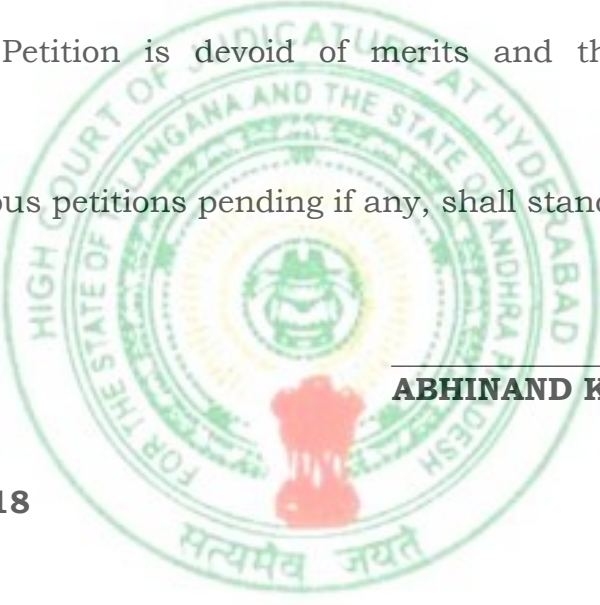
Learned Government Pleader would contend that against three sanctioned posts of Grant-in-Aid, already three individuals are working

and there is no 4th vacancy meant for Hindi Pandit Grade-II and in the absence of Grant-in-Aid post for Hindi Pandit Grade-II, the case of the petitioner cannot be considered.

This Court, having considered the rival submissions of both the parties, is of the considered view that since there is no sanctioned Aided Post of Grade-II, Hindi Pandit in the School run by the 5th respondent, the request of the petitioner cannot be considered. If a sanctioned Aided Post is allotted to the School run by the fifth respondent-Society, then the case of the petitioner can be considered. Since there is no sanctioned post, there cannot be any direction either to absorb or to appoint the petitioner in the Grant- in-Aid post.

This Writ Petition is devoid of merits and the writ petition is dismissed.

Miscellaneous petitions pending if any, shall stand closed. No costs.



ABHINAND KUMAR SHAVILI, J

Date: 12/09/2018

slk

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