

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 3567 of 2004

ORDER:

This writ petition is filed seeking a writ of mandamus declaring that action of the respondents in not admitting the petitioner to the post of SGBT teacher in an aided vacancy, as illegal and arbitrary.

It has been contended by the petitioner that he was fully eligible and qualified to appoint as SGBT teacher and was appointed in the 4th respondent school vide proceedings dated 05.05.1994. Petitioner contends that the appointing authority has also approved his appointment in unaided post. He further submits that an aided vacancy had arisen during the year 1997 and 4th respondent has submitted his proposals to the competent authority to absorb the petitioner into aided post. But the respondent authorities are not considering his case for absorption into aided post. Aggrieved by the same, the present writ petition is filed.

Learned Government Pleader for respondents contends that the case of the petitioner cannot be considered because there is a procedure for absorption into an aided vacancy or post. At first, the posts or vacancies are to be notified and only after inviting applications from the general public, the vacant posts has to be filled up. Therefore, he contends that there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of both the parties, is of the considered view that this writ petition can be disposed of directing the 4th respondent to submit fresh proposals, if the petitioner is still discharging his duties, to the competent authority within two weeks from the date of receipt of copy of this

order. On such proposals being received, the competent authority shall consider and pass appropriate orders in accordance with rules in another four weeks thereafter.

With these observations, the writ petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

26th November, 2018
dv

