

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13568 of 2010

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring that the petitioner is eligible and entitled for regularization of his services in the post of Lecturer (Physics) from 3.1.1998 in the 4th respondent's aided college with all consequential benefits.

Heard Sri CH.Jagannatha Rao, learned counsel for the petitioner and the learned Government Pleader for Higher Education.

It has been contended by the petitioner that he was initially engaged as part-time Lecturer in Physics on 1.8.1987 in the 4th respondent college. While he was discharging his duties as part-time Lecturer, the State Government had taken a policy decision to regularize the services of part-time Lecturers who have completed 600 working days and accordingly issued G.O.Ms.No.328 Education, dated 15.10.1997. It has been further contended by the petitioner that the 4th respondent college had submitted proposals seeking regularization of his services in terms of G.O.Ms.No.328 dated 15.10.1997 but the 2nd respondent-Commissioner and Director vide proceedings dated 3.1.1998 had rejected the case of the petitioner on the ground that there is no sufficient work load in the department of Physics. It has been further contended by the petitioner that the services of the petitioner were regularized by the

2nd respondent vide proceedings dated 18.12.2003. The present writ petition is filed challenging the action of the respondents in not regularizing his services from the date of initial rejection orders dated 3.1.1998 and to regularize his services in terms of G.O.Ms.No.328 dated 15.10.1997 as he fulfills all the conditions set out in the said G.O. It is further contended by the petitioner that when once the State Government had taken a policy decision to regularize the services of all part-time Lecturers in terms of G.O.Ms.No.328 dated 15.10.1997, in all fairness, the 2nd respondent ought to have regularized his services with effect from 3.1.1998 but not from 18.12.2003.

Learned counsel appearing for the petitioner had brought to the notice of this Court that the Division Bench this Court in W.A.No.1351 of 2005 dated 19.10.2011 held that the persons who fulfill the conditions of G.O.Ms.No.328 dated 15.10.1997 are entitled to be regularized in terms of the said G.O. and pursuant to the orders passed in W.A.No.1351 of 2005 dated 19.10.2011, the respondents have issued G.O.Ms.No.56 dated 5.12.2014 to regularize the services of the petitioner therein with retrospective effect i.e. the date on which he became eligible.

Learned Government Pleader appearing for the respondents had not disputed the above said facts.

Accordingly, this Writ Petition is disposed of directing the respondents consider the case of the petitioner for regularization of his services with effect from 3.1.1998 in terms of G.O.Ms.No.328 dated 15.10.1997 and pass appropriate orders within a period of

four weeks from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 12/10/2018

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