

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16351 OF 2003

ORDER :

When the matter is taken up for hearing, the Counsel for the petitioner submits that the petitioner is fully eligible and qualified to be appointed as Junior Assistant and accordingly, he was appointed as Junior Assistant in a leave vacancy on 18.05.1996. It is further contended by the Counsel for the petitioner that the said post of Junior Assistant is admitted into grant in aid and a clear vacancy of Junior Assistant has arisen on 4.8.2000 and the respondent-management has submitted a proposal on 14.8.2000 to absorb the services of the petitioner into aided vacancy. But the respondents have rejected the case of the petitioner, vide proceedings dated 29.07.2003. The Counsel for the petitioner submits that the Hon'ble Court was pleased to grant interim directions on 24.10.2003 and by virtue of the interim orders, the petitioner is being continued in service and now the only issue is in respect of absorption of the petitioner into aided vacancy.

2. The Government Pleader appearing for the respondents had contended that the petitioner was not appointed in accordance with rules and therefore the question of considering the case of the petitioner for absorption would not arise. There are no merits in the Writ Petition and the Writ Petition is liable to be dismissed.

3. Having considered the submissions made by the parties, this Court is of the considered view that if the petitioner is continuing in service as on today, the respondents shall send fresh proposals to the competent authority within two weeks from the date of receipt of a copy of this order and upon

such proposals being received, the competent authority shall consider and pass appropriate orders within a period of four weeks thereafter.

4. With this observation, the Writ Petition is disposed of.
5. The Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

20th November, 2018

GS

