

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6247 OF 2003

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioner as Hindi Pandit Grade-II Teacher in aided post in 4th respondent school as illegal, arbitrary and the principles of natural justice and consequently direct the respondents to regularize the services of the petitioner as Hindi Pandit Grade-II in aided post in 4th respondent school and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri K.Venkatesh, learned counsel appearing for the petitioner and learned Government Pleader for School Education appearing for respondents 1 to 3.

It is the case of the petitioner that as she was fully eligible and qualified as Hindi Pandit, she was appointed as Hindi Pandit in the 5th respondent-School on 23.6.1993. The 5th respondent-School was admitted into grant-in-aid *vide* G.O.Ms.No.365, dated 10-10-1994. In all, 9 posts were admitted into grant-in-aid in the 5th respondent-School. But, her services were not regularized so far.

This Court on 30-10-2003 in WPMP No.8162 of 2003 granted interim direction to the respondents to continue the petitioner in service on the same terms and conditions prevailing as on that date.

Learned counsel appearing for the petitioner submits that though the petitioner is discharging her duties in an un-aided vacancy, the respondents are not considering her case for admitting the post into aided services; and that the benefit of aided services are not being extended to the petitioner; that in pursuance of the said interim direction, the petitioner was continued in service and that appropriate direction may be given to the respondents to absorb the services of the petitioner into aided vacancy with all consequential benefits.

Learned Government Pleader appearing for respondents 1 to 3 contends that the petitioner was not appointed in accordance with rules; that as the 5th respondent-School has illegally appointed the petitioner, the question of considering the case of the petitioner for absorption in aided services does not arise and that there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that if the petitioner is working as Hindi Pandit Grade-II as on date, the 5th respondent shall submit proposals to respondents 1 to 3 for her absorption into aided services.

Accordingly, the Writ Petition is disposed of directing the 5th respondent to submit proposals to respondents 1 to 3 for absorption of the services of the petitioner into aided vacancy, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposals, respondents 1 to 3 shall consider the same and pass appropriate orders in accordance with rules, within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

19th November, 2018
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