

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.19528 OF 2005

ORDER

This writ petition is filed seeking the following relief:

“... to issue a writ or order or direction especially one in the nature of Mandamus (i) declaring that the petitioner is entitled to be considered for regular appointment in the aided vacancy of lecturer in Commerce in the 3rd respondent College (ii) direct the respondents to consider the case of the petitioner for appointment of aided lecturers in Commerce in the 3rd respondent College in the existing vacancy and (iii) to grant such other relief or reliefs.”

Heard Smt M.Shalini, learned counsel appearing for the petitioner and learned Government Pleader for Education appearing for respondent Nos.1 and 2.

It is the case of the petitioner that she was appointed as a part-time lecturer in the 3rd respondent-College on 6.8.1999 and she worked upto 30.6.2002 with artificial breaks. While so, an aided vacancy of Lecturer in Commerce arose in the 3rd respondent-College and the 3rd respondent notified the same. Pursuant thereto, the petitioner was selected and appointed as Lecturer on regular basis in the 3rd respondent-College. Thereafter the 3rd respondent had submitted proposals to the competent authority i.e., respondents 1 and 2 to approve the appointment of the petitioner. But, so far, no action has been taken by the 1st and 2nd respondents.

Learned Government Pleader appearing for 1st and 2nd respondents contends that the selection of the petitioner was not in accordance with the Rules and she was appointed without obtaining permission from the competent authority and therefore, she is not entitled for regular appointment in an aided vacancy.

Having regard to the said submission, and in the facts and circumstances of the case, this Court is of the view that ends of justice would be met if a direction is given to the 3rd respondent to submit proposals afresh to 1st and 2nd respondents.

Accordingly, the Writ Petition is disposed of directing the 3rd respondent to submit proposals afresh to 1st and 2nd respondents, if the petitioner is working in the 3rd respondent-College in an aided vacancy, within a period of one week from the date of receipt of a copy of this order. On receipt of such proposals, 1st and 2nd respondents shall consider the same and pass appropriate orders within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

30th October, 2018
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