

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 10697 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the 1st respondent in filling up the post of aided Lecturer in the Department of Commerce of 2nd respondent college with surplus teaching staff from other colleges without considering the candidature of the petitioner, as illegal and arbitrary. A consequential direction is also sought to absorb the petitioner as regular Lecturer in the Department of Commerce of 2nd respondent college.

Though the matter is listed today under the caption “for dismissal, none appeared for the petitioner.

The case of the petitioner is that he is fully eligible and qualified to be appointed as Lecturer in the Department of Commerce of 2nd respondent college and, accordingly, he was appointed in the 2nd respondent college on 07.07.1997. When an aided vacancy had arisen in the 2nd respondent college, he submitted a representation seeking his absorption in the 2nd respondent college and the management of the 2nd respondent college also submitted proposals to the 1st respondent for his absorption in the aided vacancy. The grievance of the petitioner is that the respondents are not considering his case for absorption in the aided vacancy. Hence the present writ petition.

Learned Government Pleader for Education appearing for the 1st respondent has contended that the petitioner was not appointed as

per rules and as he has not fulfilled the conditions stipulated for regularization of part time lecturers, his case could not be considered and there are no merits in the writ petition and the same is liable to be dismissed.

This Court having considered the submission made by the learned Government Pleader for Education and perused the record is of the considered view that ends of justice would be met, if the writ petition is disposed of directing the 2nd respondent college to submit fresh proposals to the 1st respondent.

Accordingly, the writ petition is disposed of directing the 2nd respondent college to submit fresh proposals to the 1st respondent, if the petitioner is working as on today, within two weeks from the date of receipt of a copy of this order, and upon receiving such proposals, the 1st respondent shall consider the same and pass appropriate orders in four weeks thereafter.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

3rd December, 2018
cbs

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Writ Petition No. 10697 of 2004
(disposed of)

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