

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25525 of 2003

ORDER :

This writ petition is filed seeking a Writ of Certiorari, calling for the records relating to and connected with the impugned orders dated 11.09.2003 issued by respondent No.1 and communicated vide proceedings dated 25.09.2003 by the 2nd respondent and quash or set aside the same holding it as arbitrary, illegal, discriminatory, unjust and sub-versive of Articles 14, 16 and 21 of the Constitution of India, besides being opposed to all canons of equity, justice and fair play, with a consequential direction to approve the appointment of petitioner in Aided vacancy of School Assistant Grade-II in the 4th respondent-Institution.

2. Heard Sri D.Balakishan Rao, learned counsel for petitioner and the learned Government Pleader for Education, appearing for respondents.

3. It has been contended by the petitioner that she was appointed as Secondary Grade Teacher in an Un-aided post in the 4th respondent-Institution on 17.06.1993. After rendering considerable length of service, petitioner was promoted as School Assistant Grade-II by the 4th respondent in an Aided vacancy vide proceedings dated 10.03.1995. It is further submitted that the case of the petitioner was recommended by the 2nd respondent also for

absorption into Aided post of School Assistant, but the 1st respondent had rejected the said proposals vide proceedings dated 25.09.2003, on the ground that the appointment of petitioner in Un-aided post was not approved by the competent authority. Challenging the same, the present writ petition is filed.

4. It has been further contended by the petitioner that this Court was pleased to grant interim directions to continue the petitioner on the same terms and conditions, vide orders dated 08.12.2003. By virtue of said interim orders, the petitioner is being continued in the service of 4th respondent-Institution. The petitioner further contended that similarly situated individuals were absorbed in Aided service, duly taking into account the qualifications and the length of service put-in by them. Therefore, the petitioner is also entitled for absorption in Aided service, and hence, appropriate directions be issued to the respondents to absorb the services of petitioner in Aided post.

5. The learned Government Pleader appearing for respondents contended that the petitioner's appointment in Un-aided service itself was not as per Rules, therefore, it was not approved. Hence, the question of considering the case of petitioner for absorption in Aided service, would not arise. He contends that there are no merits in the writ petition and the same is liable to be dismissed.

6. This Court, having considered the rival contentions of the parties, is of the considered view that this writ petition can be disposed of directing respondent No.4 to submit fresh proposals to respondents 1 to 3 for considering the case of petitioner, if the petitioner is still working as on today, within two weeks from the date of receipt of a copy of this order. Upon such proposals being received from respondent No.4, respondents 1 to 3 shall consider the same and pass appropriate orders in accordance with Rules within 4 weeks thereafter.

7. With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

13th November, 2018

ajr