

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.16135 OF 2003

ORDER

This writ petition is filed seeking the following relief:

“to issue a writ, order or direction more in the nature of Writ of Mandamus directing the respondents 1 to 3 herein to take over the services of the petitioners in which they are presently working and to continue their services in their respective posts or in any equivalent posts in the same college or in any Government College by duly declaring the order passed by the Govt. *vide* G.O.Ms.No.9, Higher Education (CE.II.2) Dept, dt.12.3.2003 in so far as the condition i.e., Clause 5 (5) viz. ‘No member in teaching and non-teaching in unaided posts shall be taken over’ effecting the interest of the petitioners is nothing but arbitrary, bad in law and violative of Articles 14, 16 and 21 of the Constitution of India, and pass such other order or orders as this Hon’ble Court may deem fit and proper.”

Heard Sri V.Ravi Kiran Rao, learned counsel appearing for the petitioners and learned Government Pleader for Higher Education appearing for the respondents.

Learned counsel appearing for the petitioners submits that the petitioners were initially appointed in the 4th respondent-College and when the 4th respondent-College was taken over by the State Government *vide* G.O.Ms.No.9, dated 12.3.2003, in all fairness, the State Government ought to have taken over the petitioners into Government service.

While admitting the writ petition on 1.8.2003, this Court in WPMP No.19992 of 2003 directed the respondents to

continue the petitioners in service. In pursuance of the same, the petitioners are continuing in service.

Learned Government Pleader appearing for the respondents contends that in G.O.Ms.No.9, dated 12.3.2003, it was specifically stated that initially, the 4th respondent-College was supported by Nizam Sugars and thereafter, Nizam Sugars has been dissolved and hence, the State Government has taken over the aided posts and absorb them in the Government service; and that since the petitioners are working in unaided posts, they are not entitled for regularization of their services into aided posts.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that end of justice would be met if a direction is given to the petitioners to submit a representation afresh to the respondents.

Accordingly, the Writ Petition is disposed of directing the petitioners to submit a representation afresh seeking absorption of their services within two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass appropriate orders thereon within four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

22nd November, 2018

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