

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 13191 OF 2004

ORDER :

This Writ Petition is filed seeking to issue Writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioner in the post of Zoology Lecturer in 2nd respondent College in aided vacancy as illegal and arbitrary and consequently direct the respondents to regularize the services of the petitioner as a part-time Lecturer in the present aided vacancy with all consequential benefits.

2. Heard Mr.M.L.Ali, Counsel for the petitioner and the Government Pleader for Education.

3. It has been contended by the petitioner that he is fully eligible and qualified to be appointed as Junior Lecturer and he was appointed as Junior Lecturer in Zoology on 5.8.1998. The petitioner submits that a vacancy in aided post had arisen and the petitioner has submitted representations to the respondents to absorb him in that aided vacancy in terms of G.O.Ms.No.328, dated 15.10.1997.

4. The Counsel for the petitioner further contended that the 2nd respondent had also submitted proposals to the 1st respondent for absorption of the petitioner in aided vacancy. But, the grievance of the petitioner is that the 1st respondent has not considered the case of the petitioner to absorb the petitioner in an aided vacancy. The petitioner further contended that this Hon'ble Court was pleased to grant interim directions on 30.07.2004 to continue the petitioner in the same capacity, subject to the result of the Writ Petition and by virtue of the said interim orders, the petitioner is being continued in service and contended that appropriate orders may be passed by

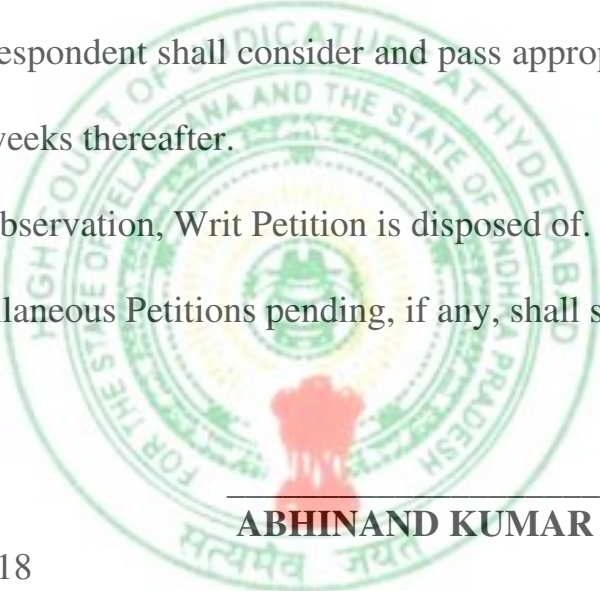
this Court, directing the respondents to consider the case of the petitioner for absorption into aided vacancy.

5. The Government Pleader for 1st respondent contends that the petitioner was not appointed in accordance with rules and considering the case of the petitioner for absorption in aided vacancy would not arise. There are no merits in the Writ Petition.

6. This Court is of the considered view that the Writ Petition can be disposed of directing the 2nd respondent to submit fresh proposals, if the petitioner is still working as Lecturer in Zoology within two weeks from the date of receipt of a copy of this order and upon such representation being received, the 1st respondent shall consider and pass appropriate orders within a period of four weeks thereafter.

7. With this observation, Writ Petition is disposed of.

8. The Miscellaneous Petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

3rd December, 2018

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