

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13421 of 2004

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents 3 to 5 in not absorbing the petitioner as Lecturer in Zoology in the aided post of degree college, as illegal, improper, unjust, arbitrary and contrary to law and further direct respondents 3 to 5 to absorb the petitioner in the aided post in degree college and pass appropriate orders.

Heard Sri K.G.Krishna Moorthy, learned counsel for petitioner and the learned Government Pleader for Education.

It has been contended by the petitioner that she is fully eligible and qualified to be appointed as a P.G.Lecturer in Zoology. The petitioner further submits that she was appointed in unaided post in the 3rd and 4th respondents-College on 22.06.1999 and since then, she has been discharging her duties without any complaint. Petitioner further submits that an aided vacancy had arisen and the 5th respondent had asked the petitioner to discharge her duties in aided vacancy. The grievance of the petitioner is that though she has been discharging her duties in aided vacancy, respondents 1 and 2 are not granting approval for her absorption in aided vacancy. Therefore, this writ petition is filed seeking directions to the respondents to absorb the petitioner into aided post and pay salaries in the said post.

The learned Government Pleader appearing for respondents has contended that no proposals have been submitted by respondents 3 and 4 for absorption of petitioner into aided vacancy and until and

unless such proposals are submitted by the management, the question of respondents 1 and 2 considering the case of petitioner for absorption in aided vacancy, will not arise. There are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be disposed of directing 3rd and 4th respondent-management to submit fresh proposals to respondent No.5 for absorption of petitioner into aided vacancy, if the petitioner is still working as on today as a Lecturer in Zoology, and respondent No.5 shall consider the case of the petitioner and submit fresh proposals to respondents 1 and 2 for absorption of petitioner into aided vacancy, and upon such proposals being received, respondents 1 and 2 shall consider the case of the petitioner and pass appropriate orders in another four weeks thereafter.

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

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

12th December 2018

ajr