

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 27235 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in not admitting the petitioner into grant-in-aid post of Lecturer in Botany by extending the benefits granted to the similarly situated persons, as illegal and arbitrary. A consequential relief is also sought to direct the respondents to admit the petitioner into grant-in-aid post of Lecturer in Botany in existing aided vacancy of the 3rd respondent college with all consequential benefits.

Heard Sri V. Ajay Kumar, learned counsel for the petitioner and learned Government Pleader for Higher Education appearing on behalf of the official respondents.

It has been contended by the petitioner that he was appointed as Lecturer in Botany in an aided vacancy in the 3rd respondent college on 25.10.1989 and since then he has been discharging his duties without any complaint, but the respondents are not considering his case for absorption into the aided post. It has been further contended that the State Government has issued G.O.Ms.No.142, dated 27.08.2018 extending remuneration equivalent to the minimum of the time scale in the revised pay scales of 2015 to the full time/NMR/daily wages/consolidated pay/part time employees who were appointed before the cut off date i.e., 25.11.1993 and that in view of the said G.O., the minimum of time scale of pay may be

extended to the petitioner till his services are absorbed in the aided post.

Learned Government Pleader for Higher Education appearing for the official respondents has contended that the petitioner was not appointed in accordance with the rules and hence, the question of absorbing him into the aided post would not arise. He further contended that there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the submissions made by the learned counsel on either side, this Court is of the considered view that the writ petition can be disposed of directing the 3rd respondent college to submit fresh proposals, if the petitioner is still continued as Lecturer in Botany in the aided vacancy.

Accordingly, the writ petition is disposed of directing the 3rd respondent college to submit fresh proposals to the respondents 1 and 2, if the petitioner is still continued as Lecturer in Botany in the aided vacancy, within two weeks from the date of receipt of a copy of this order and upon receiving such proposals, the respondents 1 and 2 shall consider the same and pass appropriate orders in accordance with law.

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

ABHINAND KUMAR SHAVILI, J

13th November, 2018
cbs

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Writ Petition No. 27235 of 2003
(disposed of)

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