HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11454 of 2004

ORDER:

This writ petition is filed seeking a writ of Mandamus, declaring the action of 3rd respondent in issuing Proceedings dated 02.12.2003 basing upon the notice file of the 2nd respondent, is wholly illegal, arbitrary and unjust and consequently set aside the same and direct the respondents to appoint the petitioners as Secondary Grade Teachers in the 5th and 6th respondent-Schools respectively basing upon the Staff Selection Committee Resolution dated 30.07.2003.

Heard Sri G.Ravi Mohan, learned counsel for petitioners and the learned Government Pleader for Education.

It has been contended by the petitioners that they were initially appointed in un-aided service in 5th and 6th respondent-Schools. While they were discharging their duties in un-aided posts, the 5th and 6th respondents have sought permission from the competent authority to fill-up regular vacancies in aided posts and the competent authority had issued permission to fill-up the posts. Thereafter, the 5th and 6th respondents have issued notification in daily newspapers calling for the applications for filling up the post of Secondary Grade Teacher (Aided). The petitioners have responded to the said notification and after undergoing regular selection process, the petitioners were selected and appointed as Secondary Grade Teachers, but the 2nd and 3rd respondents had rejected the proposals submitted by 5th and 6th respondents for approving the appointment of petitioners and directed to re-initiate the selection process once again. Challenging the same, the present writ petition is filed.

Learned counsel for petitioners submits that the petitioners are continuously discharging their duties as Teachers in 5th and 6th respondent-Schools. The action of official respondents in not approving the

appointment made in pursuance to the regular selection process is arbitrary and illegal and contend that appropriate orders be passed directing the official respondents to consider the case of petitioners for absorption into aided post.

Learned Government Pleader appearing for respondents 1 to 4 submits that the competent authority has noted certain irregularities in the selections and has rightly rejected the proposals submitted by the 5th and 6th respondent-Schools and directed to re-initiate the selection process. No illegality has been committed by the official respondents, therefore, the writ petition 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 the 5th and 6th respondent-Schools to send fresh proposals to the competent authority, if the petitioners are still working as on today as Secondary Grade Teachers, for their absorption into aided service, and upon such proposals being received from the management, the competent authority shall consider the same and pass appropriate orders in accordance with Rules, within Six weeks thereafter.

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

Pending miscellaneous applications, if any, shall stand closed.

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ABHINAND KUMAR SHAVILI, J

12th December 2018

ajr