

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.35190 OF 2018

ORDER

This writ petition is filed seeking for the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ (i) declare the petitioners were appointed in the sanctioned posts in the year 2001; (ii) declare the action of the respondents in not absorbing services of the petitioners from the date of initial appointment appointed against sanctioned posts is wholly illegal, arbitrary and unjust and consequently direct the respondents to regularize/absorb the petitioners in the vacant aided posts from the date of initial appointment; (iii) pass such order or other orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Heard Smt K.Udaya Sri, learned counsel appearing for the petitioners and learned Government Pleader for Education appearing for respondents 1 to 3.

It is the case of the petitioners that pursuant to the notification issued by the 4th respondent-St. Francis Girls High School, they were appointed as Teachers and subsequently, their services were regularized. Thereafter, the 4th respondent school was admitted into grant-in-aid and all the petitioners are discharging their duties in the aided vacancies. Hence, the 4th respondent had submitted proposals to respondents 1 to 3 on 23.09.2013 to absorb the petitioners in

the aided vacancies, but, so far no orders have been passed thereon.

Learned Government Pleader appearing for the respondents contends that the petitioners were not appointed as per Rules and therefore, the question of considering their cases for absorption in aided vacancies does not arise.

If the petitioners are still working, the 4th respondent shall submit proposals afresh to respondents 1 to 3 for their absorption within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposals, respondents 1 to 3 shall consider the same and pass appropriate orders thereon within a period of four weeks thereafter. No costs.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

1st October, 2018

rkk

