

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.18145 of 2002ORDER:

This writ petition is filed seeking a writ of mandamus, declaring the proceedings of the 2nd respondent dated 17.06.2002 and consequential notification dated 12.09.2002 issued by the 4th respondent for filling up the vacancy of Lecturer in Mathematics, as illegal, contrary and sought a consequential direction to regularize the services of the petitioner as Lecturer in Mathematics in the 4th respondent-College.

2. Heard Sri K.V.Simhadri, counsel for the petitioners and Government Pleader for Education.

3. It has been contended by the petitioner that he is fully eligible and qualified to be appointed as Lecturer in Mathematics and he was appointed as Lecturer in Mathematics in the 4th respondent-College during July, 1997. The petitioner further submits that while he is working as Lecturer in Mathematics, the 4th respondent had issued a notification to fill up the post of Lecturer in Mathematics by way of direct recruitment, and issued a paper advertisement, in pursuance of the proceedings dated 17.06.2002 issued by the 2nd respondent, ignoring the case of the petitioner for absorption to the aided vacancy. The grievance of the petitioner is that when he is fully eligible and qualified and when he is already working as Lecturer in Mathematics, the respondents ought to have considered his case for regularization, instead, the respondents have issued the notification to fill up the said vacancy by way of direct recruitment. Challenging the same, the present writ petition is filed.

4. This Court was pleased to grant interim directions at the time of admission on 19.09.2002, directing the respondents to continue the petitioner in service. The petitioner contends that in pursuance of the said interim directions, he is continuing in service as Lecturer in Mathematics.

5. The Government Pleader appearing for the respondents has contended that the petitioner was appointed as a Lecturer in Mathematics contrary to the rules and hence, the case of the petitioner cannot be considered for regularization or absorption in an aided vacancy, and that there are no merits in the writ petition, and the same is liable to be dismissed.

6. This Court, having considered the rival contentions of both parties, is of the considered view that this writ petition can be disposed of, directing the 4th-respondent College to submit fresh proposals to the official respondents for absorption/regularization of the services of the petitioner in the post of Lecturer in Mathematics, within one week from the date of receipt of a copy of this order, and upon such proposals being received from the 4th respondent-College, the official respondents shall consider and pass appropriate orders in another four weeks.

7. With these observations, the writ petition is disposed of. No order as to costs. Miscellaneous petitions pending, if any, stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 01.11.2018
DMG

