

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6437 of 2019

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the counsel.

2. This Writ Petition is filed seeking Writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioners as Teachers in the Girijan Vidya Vikas Kendras (GVVK) from the date of their initial appointment and not granting regular scales of pay from the date of their initial appointment, as illegal, arbitrary and contrary to the G.O.Ms. No.302, dated 10-07-1986, G.O.Ms.No.46, dated 07-02-1994 and G.O.Ms.no.396, dated 25-06-1996 and violative of Articles 14, 16 and 21 of the Constitution of India and sought a consequential direction to direct the respondents to regularize their services as Teachers in the GVVK by granting regular scales of pay from the date of their initial appointment.

3. Heard Sri G.V.L. Maruthy, learned counsel for the petitioners and the learned Government Pleader for Services-II appearing for respondents.

4. It has been contended by the petitioners that they were appointed as Teachers in GVVK during 1986 to 1994 and all the petitioners have been continuing as Teachers without any complaint

from their superiors and everyone concerned. The grievance of the petitioners is that though they are discharging their duties as Teachers, the respondents are not regularizing their services.

5. He further contended that when a similar issue fell for consideration before this Court in W.P.No.7318 of 2000, this Court, vide orders dated 16-08-2017, was pleased to allow the Writ Petition directing the respondents to treat the petitioners as having been regularly appointed in the regular scale posts of Teachers in GVVK on the respective dates of their initial appointments and pay them the regular scale of pay payable for the two years' period from the dates of their initial appointments within three months from the date of receipt of a copy of that order. He further contended that petitioners herein are also similarly situated and they are also entitled for regularization of their services and they are eligible for grant of regular pay scale attached to the post of Teachers.

6. Learned Government Pleader for Services-II appearing for the respondents contended that the cases of the petitioners would be examined in terms of the above judgment and if the petitioners fulfill the conditions as laid down in various G.Os., the cases of the petitioners would be considered and their services would be regularized and regular pay scale would be paid. He further submits that if the petitioners make a representation to the respondents to extend similar relief as was done in the case of petitioners in W.P.No.7318 of 2000, upon such representation being received, the

respondents shall consider and pass appropriate orders in accordance with rules and also in terms of the judgment referred to supra.

7. Having regard to the rival submissions made by the respective parties, this Court is of the considered view that this Writ Petition can be disposed of by directing the petitioners to submit fresh representation within two weeks from the date of receipt of a copy of this order seeking their claim for regularization of their services and for grant of regular pay scale attached to the post of Teachers in terms of judgment in W.P.No.7318 of 2000 dated 16-08-2017 and upon such representation being received, the respondents shall consider and pass appropriate orders in accordance with law within four weeks thereafter.

8. With these observations, the Writ Petition is disposed of. No costs.

9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 27-03-2019
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