

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.7769 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“.....to issue a Writ Order or Direction particularly one in the nature of Writ of Mandamus declaring the proceedings of the fourth respondent in Rc.No. 4709/A12/2019 dated 09.04.2019 instructing all the Principals of TSR Institutions in the State to terminate the services of all the PGTs/ TGTs/ PETs/ Staff Nurse working on contract basis and guest faculty in their respective institutions on the last working day of the present academic year 2018-19 as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and also contrary to the submissions made by them in W.P.No. 38758 of 2018 dated 31.01.2019 and set aside the same”.

Heard Mr.M.Sikanth, the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

It has been contended by the petitioners that they are working as Teachers on contract basis with the respondents since 2000 onwards and they have been discharging their duties to the best satisfaction of their superiors and every one concerned. The petitioners submit that the respondents have been paying remuneration to them for the period they have worked. While so, the 4th respondent issued proceedings dated 09.04.2019 instructing all the Principals of Telangana State Residential Educational Institutions to terminate the services of all the PGTs/ TGTs/ PETs/ Staff Nurse working on contract basis and Guest faculty in their respective institutions on the last working day of the academic year 2018-19. Therefore, the learned counsel for petitioners submits that

appropriate orders be passed in the writ petition directing the respondents to pay salary to the petitioners for twelve months instead of ten months. In support of his contention, learned counsel for the petitioners relied upon the judgment of the Hon'ble Supreme Court in *Ahalya Samtaney Vs. State of Maharashtra and others*¹.

Learned Standing Counsel appearing for the respondents contends that as the petitioners are working on contract basis, when there is no work, the respondents have a right to terminate the services of the petitioners and the petitioners are being engaged on the reopening of the academic year. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that the impugned order issued by the 4th respondent is contrary to the law laid down by the Hon'ble Supreme Court in the aforesaid judgment and, therefore, the same is liable to be set aside and it is accordingly set aside. The respondents are directed to continue the petitioners for twelve months and pay remuneration to them accordingly.

With the above observations, the writ petition is allowed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 23-10-2019
Prv

¹ 2018 Law Suit (SC) 780

