

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.8024 OF 2018

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of respondents in not considering the case of petitioners for regularization even though they were selected in the duly sanctioned posts after regular process of selection and put-in more than 16 years of service, as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and sought a consequential direction directing the respondents to immediately regularize the services of petitioners from the dates of their appointment.

Heard Sri N.Ashwani Kumar, counsel for petitioners, Government Pleader appearing for respondent No.2 and Standing Counsel for respondent Nos.1 and 3.

It has been contended by the petitioners that as they are fully eligible and qualified to be appointed as Post Graduate Teachers, Trained Graduate Teachers, Physical Education Teachers and Staff Nurses, they had responded to the notification issued by the respondents for the said posts. After undergoing regular selection process, they were selected and appointed in respective posts and the petitioners have been discharging their duties to the best satisfaction of their superiors and everyone concerned.

The grievance of the petitioners is that though they have rendered more than 16 years of service with the respondents, the respondents are not considering their cases for regularization of service. Petitioners further contend that they were appointed

against regular sanctioned posts, but only the nomenclature is “on contract basis”. Counsel for petitioners contend that the Hon’ble Supreme Court in **State of Karnataka v. Umadevi**¹, has categorically held that the employer should frame a one-time scheme for regularizing the services of the persons who are working on temporary basis, daily wage basis and on contract basis and who have completed 10 years of service, provided they are appointed as per the Rules. In the instant case, counsel for petitioners submits that all the petitioners were appointed against the sanctioned posts, after undergoing regular selection process, therefore, their cases deserve to be considered for regularization of service.

Counsel for petitioners further submits that respondents 1 and 3 have recommended the cases of petitioners to the second respondent, and in fact, respondents 1 and 3 have submitted proposals to the second respondent to regularize the services of all the petitioners, vide proceedings dated 14.11.2017, but so far, the second respondent has not passed any orders on the said proposals. Counsel for petitioners further contend that appropriate orders be passed in the Writ Petition directing the second respondent to consider the proposals submitted by respondents 1 and 3 and pass appropriate orders in accordance with law.

The learned Government Pleader appearing for second respondent submits that the proposals submitted by respondents 1 and 3 will be considered and appropriate orders will be passed in accordance with law. The learned Standing Counsel appearing for

¹ 2006(4) SCC 1

respondents 1 and 3 submits that all the petitioners were appointed against the sanctioned posts, after subjecting them to regular selection process and contends that the petitioners are entitled for regularization of their services.

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 second respondent to consider the proposals submitted by respondents 1 and 3 on 14.11.2017 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

With these observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

25th April 2019
RRB