

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.3176 of 2012

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not absorbing the petitioner into Aided vacancy is illegal, arbitrary and unconstitutional and it amounts to violation of Articles 14, 16 and 21 of the Constitution of India, consequently direct the respondents to absorb the petitioner into Aided vacancy with effect from the date of the petitioner absorption into Aided vacancy in terms of the Hon'ble Supreme Court Judgment reported in 2011(9) SCC 613.....”.

Heard Mr.K.Mohan Raj, learned counsel for the petitioner and the learned Government Pleader for School Education.

It has been contended by the petitioner that she was appointed as a School Assistant (Mathematics) in the 6th respondent School after undergoing regular selection process. Thereafter, the 6th respondent has submitted a proposal for absorption of the petitioner in an aided vacancy. But, respondents 1 to 5 are not considering the case of the petitioner for absorption in the aided vacancy, even though the 6th respondent has recommended the case of the petitioner.

Learned counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for absorption in the aided vacancy.

Learned Government Pleader appearing for the respondents has contended that if the 6th respondent submits fresh proposal for absorption of the petitioner in the aided vacancy, the competent

authority would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the respective parties, is of the considered view that this writ petition can be disposed of directing the 6th respondent to submit fresh proposal to the competent authority for absorption of the petitioner in the aided vacancy within two weeks from the date of receipt of a copy of this order. Upon such proposal being received, the competent authority shall consider the same and pass appropriate orders in accordance with law within eight weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

11-09-2019
Prv

