

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18276 OF 2019

Date:04.09.2019

Between:

Ms. Anitha Nimesh, D/o. L.N. Nimesh,
2-148/9, Balajinagar, Near Yaparal,
Shamirpet, Secunderabad, Ranga
Reddy District

.. Petitioner

And

The Union of India, rep., by its
Secretary, Ministry of Human Resources
Development, Sastry Bhavan,
New Delhi and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.18276 OF 2019****ORDER:**

Heard Ms. Anitha Nimesh, petitioner in-person, and Sri Gadi Praveen Kumar, learned standing counsel for Central Government.

2. Petitioner belongs to Scheduled Caste category. She claims to have passed M.Sc. (I.T.) equivalent to M.Tech. (I.T.) with first rank from Osmania University. She was appointed as Executive Assistant vide order dated 29.08.2018 on a monthly consolidated amount of Rs.21,100/-. This Writ Petition is filed praying to direct the respondents to continue the services of the petitioner beyond 10.07.2019 with consolidated pay of Rs.21,100/-.

3. The petitioner contends that she is appointed to public employment and therefore her services cannot be dispensed with without following the procedure envisaged by Article 311 (2) of the Constitution of India, as dispensing with the services would amount to removal from service and the same is *ex facie* illegal.

4. The order of appointment dated 29.08.2018 clearly stipulates that it is for a period of six months initially or till D.El.Ed. Project is over whichever is earlier. According to Clause 6 of the terms and conditions of the appointment order, the service stands terminated automatically on completion of six months. However, the contract was extended from 05.03.2019 to 30.06.2019.

5. As seen from the terms of appointment, it was a temporary appointment for a fixed term under a project. Therefore, the

contention of the petitioner that Article 311 (2) of the Constitution of India is attracted is not valid. As the terms of appointment are specific, the petitioner cannot seek continuation of her services on a regular basis on par with other employees similarly situated who were taken into service on regular basis and merely because she has higher qualification and belongs to Scheduled Caste. Petitioner submits that during the pendency of the Writ Petition, she made a representation to the Regional Director requesting to provide employment in any other post as per her eligibility.

6. While rejecting the contention of the petitioner with reference to the prayer in the Writ Petition, the Regional Director, NOIS, Sultan Bazar, Hyderabad, the 3rd respondent, is directed to consider the request of the petitioner with reference to any other employment, if the same is permissible; vacancy is available and the petitioner is eligible and be appointed.

7. The Writ Petition is accordingly disposed of. Pending miscellaneous petitions shall stand closed.

P. NAVEEN RAO, J

Date:04.09.2019

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