

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL

WRIT PETITION Nos.9489 and 9490 of 2008

COMMON ORDER:

When the matters are taken up for hearing, learned counsel for the petitioner has informed that the interlocutory orders passed in the instant writ petitions have been challenged by the Management of the College by filing W.A.Nos.1547 of 2008 and 1633 of 2008 and the said appeals were disposed of on 16.02.2009 by observing as follows:-

In the facts and circumstances of the case and after examining the voluminous record and also keeping in view the chequered events and legal battle between the parties, to avoid hardship to the institution as well as in the academic interest of the students in particular and also in order to balance the interest of both the parties, we deem it appropriate to restore the continuation of the first respondent as Lecturer in Urdu in the appellant-college to his original post, as the voluminous record in our view does not reveal any adverse remarks or any allegation against the first respondent, who was terminated without any justification, when there were posts lying vacant in the appellant-college at that point of time. The fourth respondent-Commissioner and the appellant-Management of the College are directed to pass orders for continuation of the first respondent forthwith. Without adverting to merits or otherwise of the contentions in this regard made on behalf of the fifth respondent, when four posts are lying vacant in the appellant-college, to avoid hardship to the institution as well as in the academic interest of the students in particular and also in order to balance the interest of both the parties, we deem it appropriate to modify the interim suspension orders dated 31-10-2008 passed by the learned single Judge in WMP.Nos.1851 and 2965 of 2008 in WP.No.9490 of 2008 to that of *statusquo* in respect of the fifth respondent in WA.No.1547 of 2008 and appellant in WA.No.1633 of 2008 and the fourth respondent as well as the appellant-management of the college are directed to continue the fifth respondent as Lecturer in Urdu in the vacant post, pending adjudication of WP.No.9490 of 2008 by confirming the order of the learned single Judge with reference to the posting of the said writ petition for final hearing."

In the said appeals, the 1st respondent is the petitioner herein and the appellant is the Management of the College, where the petitioner is working. In view of the categorical finding given by a Division Bench of this Court that termination of the petitioner from service is not justified and the petitioner should be continued in service in the respondent College, these writ petitions may be closed in terms of the order passed by a Division Bench of this Court in W.A.Nos.1547 of 2008 and 1633 of 2008 dated 16.02.2009.

The learned Government Pleader appearing for the respondents has not disputed the submission made by the learned counsel appearing for the petitioner and informed that the petitioner was continued in service and he has retired from service on attaining the age of superannuation on 31.12.2014.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that both these writ petitions can be closed in terms of the order passed by the Division Bench of this Court in W.A.Nos.1547 of 2008 and 1633 of 2008 dated 16.02.2009.

Accordingly, the writ petitions are closed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19-09-2019
Prv