

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.21059 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent principal in not sending the list of the self finance staff who are worked in the 2nd respondent for appointing them as outsourcing staff in the 4th respondent college basing on the directions of the 2nd respondent vide letter No.Sp1/OP-1-1/2019, dated 12.02.2019 without considering the representation of the petitioner dated 12.07.2019 is illegal, arbitrary and against the principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondents 2 to 4 to appoint the self finance staff and appoint them as outsourcing employees in the 4th respondent college immediately in the interest of justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Pitta Srinivasa Reddy, learned counsel appearing for the petitioner and learned Government Pleader for Services-I appearing for the respondents.

It is the case of the petitioner that he is working as Attender in the 4th respondent-College and discharging his duties in self-finance course. Since the 4th respondent has belatedly submitted proposals to the 2nd respondent-Commissioner of Collegiate Education, he could not be appointed in self-finance course. Thereafter, the 4th

respondent has submitted proposals to the 2nd respondent on 3.7.2019, and the same was received by the 2nd respondent on 5.7.2019. In spite of the same, the 2nd respondent is not passing any orders on the said proposals submitted by the 4th respondent.

Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the 2nd respondent to consider the proposals submitted by the 4th respondent.

Learned Government Pleader appearing for the respondents had filed counter contending that certain principals are engaging non-teaching staff in self-finance courses illegally and irregularly without permission of the 2nd respondent. Therefore, instructions have been issued to all the principals not to engage any non-teaching staff in self-finance courses in view of the Act 2 of 1994. It is further contended that the self-finance courses have been dispensed in the 4th respondent-College with effect from the academic year 2018-19 and therefore, the proposals submitted by the 4th respondent are contrary to the instructions issued by the 2nd respondent. There are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that in the counter-affidavit filed by the respondents it is stated that the self-finance courses have been dispensed with in the 4th respondent college with effect from the academic year 2018-19. When the respondents are contending that there are clear instructions not to engage any non-teaching staff in self-finance courses, it is difficult for this Court to direct the respondents to consider the case of the petitioner for appointment, which is contrary to the policy of the State Government. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 03.12.2019
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