

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.38435 of 2014

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring that the petitioner is entitled for regularization of service with effect from 13.11.1990 i.e., the date on which the petitioner was initially appointed, on par with similarly situated persons of the same college with all consequential and attendant benefits.

Heard Sri M. Pandu Ranga Rao, counsel for the petitioner, and the Government Pleader for Higher Education.

It has been contended by the petitioner that she was initially appointed as part-time lecturer with the respondents on 13.11.1990 and while she was discharging her duties, the State Government had extended grant-in-aid to the 3rd respondent College vide G.O.Ms.No.96 dated 14.03.1991 with effect from 16.04.1990. The petitioner further contended that while she was discharging her duties as part-time lecturer in Mathematics, she was subjected to regular selection process during 1995 and after undergoing regular selection process, she was appointed as Junior lecturer on 03.07.1995 and the post held by her was admitted to grant-in-aid. The petitioner further contended that when the 3rd respondent College was admitted to grant-in-aid vide G.O.Ms.No.96 dated 14.03.1991 with effect from 16.04.1990, in all fairness the respondents ought to have approved the appointment of the petitioner with effect from 13.11.1990 i.e., the date on which she was initially appointed, instead of 03.07.1995.

Counsel for the petitioner had contended that when the services of some Junior lecturers working in the 3rd respondent College were not being regularized with effect from 16.04.1990, they have filed W.P.No.8015 of 2004 before this Court and this Court vide order dated 28.03.2014 allowed the said writ petition directing the respondents to regularize the services of the petitioners therein with effect from 16.04.1990, the date on which the posts held by the petitioners therein were admitted to grant-in-aid, and to release all consequential and attendant benefits. Counsel for the petitioner also contended that since the case of the petitioner is similar to the case of the petitioners in W.P.No.8015 of 2004, the same benefit as was extended by order dated 28.03.2014 in W.P.No.8015 of 2004 be extended to the petitioner herein also and appropriate directions be given to the respondents to regularize the services of the petitioner with effect from the date of her initial appointment i.e., 13.11.1990.

Government Pleader appearing for the respondents had contended that the petitioner was subjected to regular selection process only in the year 1995 and after undergoing regular selection process, she was appointed as Junior lecturer vide proceedings dated 03.07.1995 and the post held by the petitioner was admitted to grant-in-aid. Government Pleader further contended that the earlier service rendered by the petitioner cannot be considered for admittance into grant-in-aid, as the petitioner was subjected to regular selection process during the year 1995, therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

Government Pleader had also contended that the management of the 3rd respondent College has not submitted proposals to regularize the services of the petitioner as a regular Junior lecturer. Though the petitioner might have been appointed in the year 1990, the 3rd respondent College has obtained permission to fill up the aided vacancy only in 1995 and after granting permission by the competent authority, the petitioner was subjected to regular selection process and she was appointed in pursuance of the selection process and appointment orders were issued only on 03.07.1995, therefore, the respondents have rightly admitted the petitioner to grant-in-aid post only with effect from July, 1995 and the earlier service rendered by the petitioner cannot be counted for the purpose of admittance into grant-in-aid. Government Pleader had further contended that so far as the order dated 28.03.2014 in W.P.No.8015 of 2004 is concerned, which is relied upon by the petitioner, the petitioners in that writ petition have specifically averred in that case that they were selected after undergoing regular selection process and they were appointed in pursuance of an advertisement made in the newspaper. But, in the instant case, no such advertisement was issued by the 3rd respondent before appointing the petitioner herein as a part-time lecturer, therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that admittedly the petitioner was initially appointed as a part-time lecturer

by the 3rd respondent on 13.11.1990 and she was subjected to regular selection process only in the year 1995, that too after obtaining prior permission from the competent authority. Therefore, the petitioner cannot equate with the petitioners in W.P.No.8015 of 2004. As the petitioners in W.P.No.8015 of 2004 were appointed in pursuance of an advertisement made in the newspaper and after undergoing regular selection process, whereas the petitioner in the instant case was not subjected to selection process when she was initially appointed as a part-time lecturer in the year 1990 and that she was subjected to regular selection process only in the year 1995, the services of the petitioner have rightly been admitted to grant-in-aid with effect from July, 1995 and the petitioner cannot claim that the post held by her from 1990 should be admitted to grant-in-aid. Hence, the writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

18th November 2019
v v

