

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.23110 of 2012

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ (i) declaring the action of the respondents in not regularizing the services of the petitioners in terms of scheme to be evolved as per Judgment of Hon'ble Supreme Court in *State of Karnataka Vs Uma Devi* reported in (2006 (4) SCC 1) (Constitution Bench) is illegal and arbitrary; (ii) declare that the Petitioners are entitled for minimum time scale of pay in the post of Part-time Lecturers till the regularization of services

Heard Mr.G.Vidya Sagar, learned counsel for the petitioners and the learned Government Pleader for Education.

It has been contended by the petitioners that they are working on part-time basis with the 4th respondent College since 1982 and they have completed more than three decades of service and the respondents are not approving the appointment of petitioners and not admitting the petitioners into grant-in-aid. During pendency of this case, the petitioners have filed I.A.No.1 of 2019, wherein the petitioners have contended that they were selected in pursuance of the regular selection made by the selection committee constituted during 2015, in which a representative of the respondents is also present as a nominee and the 4th respondent has submitted a proposal to the competent authority for approving the appointment of the petitioners and the competent authority is not passing any orders on the said proposal nor admitting the petitioners into grant-in-aid.

Learned Counsel for the petitioners contends that appropriate orders be passed in the writ petition directing the competent authority to consider the proposal submitted by the 4th respondent and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents has contended that the judgment in *State of Karnataka Vs. Uma Devi*¹ relied upon by the petitioners has no application and the competent authority never appointed the petitioners and the 4th respondent has appointed the petitioners and the petitioners are not seeking regularisation of the services from the 4th respondent and they are seeking a direction to the competent authority to regularize their services and admit them into grant-in-aid and the same is not permissible. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

Learned Government Pleader further contended that if the petitioners are selected in pursuance of the selection committee constituted during 2015, it is for the 4th respondent to submit proposal to the competent authority and then it is for the competent authority to examine the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the 4th respondent to submit fresh proposal to the competent authority-2nd respondent, within two weeks from the date of receipt of a copy of this order, if the petitioners are discharging their duties as Lecturers

¹ (2006 (4) SCC (1)

and if they are appointed in pursuance of the selection committee constituted during 2015, Upon such proposal being received, the 2nd respondent shall consider the same and pass appropriate orders in accordance with law within six weeks thereafter. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

12-11-2019
Prv

