

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.38810 of 2014

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent Nos.1 to 4 in not considering the case of the petitioner for absorption to the post of Gr-II Hindi Pandit (Aid) in the 5th respondent management from the post of Gr-II Hindi Pandit (Un-Aid) with effect from 01.12.2000 as illegal, improper, unjust, contrary to law and violation of principles of natural justice and further direct the 3rd respondent to consider the representations and proposals submitted by the 5th respondent for absorption of the petitioner to the post of Gr-II Hindi Pandit (Aid) in the 5th respondent management”.

Heard Mr.K.Mahadeva, learned counsel for petitioner and the learned Government Pleader for Education.

It has been contended by the petitioner that she is fully eligible and qualified to be appointed to the post of Grade-II Hindi Pandit. She was appointed as Grade-II Hindi Pandit in the 5th respondent's Institution on 30.06.1987. One aided vacancy had arisen in the 5th respondent's Institution on 01.12.2000 and the 5th respondent had instructed the petitioner to discharge her duties in the aided vacancy and later submitted proposals to the competent authority for approving the absorption of the petitioner as Grade-II Hindi Pandit in the aided vacancy. But, the competent

authority has not passed any orders on the proposal submitted by the 5th respondent.

Learned counsel appearing for the petitioner has submitted that appropriate orders be passed in the writ petition directing the competent authority to consider the proposal submitted by the 5th respondent and pass appropriate orders in accordance with law and further direct the competent authority to consider the case of the petitioner for absorption in the aided vacancy with effect from 01.12.2000.

Learned counsel appearing for the petitioner further submitted that the petitioner had attained the age of superannuation on 28.02.2019. Because the competent authority is not approving the absorption of the petitioner in the aided vacancy, the petitioner is not receiving any pension and pensionary benefits.

Learned Government Pleader appearing for respondents has contended that the competent authority has not received any proposal from the 5th respondent and if the 5th respondent submits any proposal, the competent authority will consider the same and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the 5th respondent to submit fresh proposal for absorbing the petitioner into aided vacancy within two weeks from the date of receipt of a copy of this order. Upon such proposal being received from the 5th respondent, the competent authority i.e., 3rd respondent shall consider and pass appropriate orders in

accordance with law within six weeks thereafter. No order as to costs.

With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 17-04-2019
Prv



