

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.42555 OF 2018

ORDER:

Learned counsel for the petitioner submits that similar issue fell for consideration before this Court in W.P.No.22121 of 2014, which was disposed of on 10.12.2018, and contends that appropriate orders be passed in this writ petition by setting aside the impugned proceedings dated 11.03.2015 and directing the respondents to consider the case of the petitioner by treating her to be from agency area and finalize the matter within a period of four weeks from the date of receipt of a copy of this order; and to further direct the respondents to consider the case of the petitioner for appointment as Secondary Grade Teacher, with all consequential benefits.

Learned Government Pleaders appearing for the respondents submit that the agency area certificate issued in favour of the petitioner was cancelled after following the procedure and since the petitioner is not a member belonging to agency area, her case was not considered.

This Court, after considering the rival submissions made by the parties, is of the considered view that in W.P.No.22931 of 2014 and batch of cases, this Court vide order dated 06.03.2018 held as follows:

“In the absence of any guidelines being prescribed with regard to the documents to be submitted showing proof of their residence in the agency area since 26th January, 1950, and having regard to the orders passed by the Division Bench of this Court and also in the review petition, the writ petition is allowed setting aside the order dated 14-01-2014 in Rc.No.C3/4580/2012-3 and canceling the resultant notification. Further, the appointing authority shall consider the case of the petitioner, by treating him to be from agency area and finalize the matter within a period of four to six weeks from the date of

receipt of a copy of this order. In case, the petitioner is issued with orders of appointment, this appointment shall date back from the date of which others were appointed, for the purpose of seniority, but not for the emoluments. No costs.

Earlier, this Court had allowed W.P.No.22121 of 2014 following the judgment rendered in W.P.No.22931 of 2014 and batch and therefore, this Court is of the considered view that the impugned proceedings dated 11.03.2015 and resultant notification dated 11.03.2015 are liable to be set aside.

Accordingly, the writ petition is allowed setting aside the impugned proceedings dated 11.03.2015 and the resultant notification dated 11.03.2015 issued by the respondents. The respondents are directed to consider the case of the petitioner by treating her to be from agency area and finalize the matter within a period of four weeks from the date of receipt of a copy of this order. Further, the respondents are directed to consider the case of the petitioner for appointment as Secondary Grade Teacher, with all consequential benefits. No costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 6th February, 2019
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