

W.P.(C) No. 400 of 2015

BEFORE
HON'BLE ACTING CHIEF JUSTICE MR. N. KOTISWAR SINGH

31.07.2017

Heard Mr. M. Hemchandra, learned Sr. Counsel assisted by Md. Azmal Hussain, learned counsel for the petitioners. Heard also Ms. Ch. Sundari, learned G.A. for the State Respondents.

It has been submitted that the present writ petition can be disposed of on the basis of the pleading made in application filed in MC(WP(C)) No. 149 of 2017 for appointment of Primary Teacher (SSA) in terms of the decision of the Hon'ble Supreme Court in Civil Appeal No. (S) 8145 of 2013 disposed of on 24th September, 2014 as well as the order passed by this Court in W.P.(C) No. 789 of 2013 as 42 (forty-two) persons have been appointed in terms of the aforesaid decision of the Hon'ble Supreme Court. It has been submitted that the case of the petitioners can be considered and disposed of in terms of the decision of the Hon'ble Supreme Court.

It has been also submitted that some of those 42 (forty-two) persons who have been appointed on 8th December, 2014 were less meritorious than the present petitioners. If this fact is not being disputed by the Respondents authority, the petitioners would have vested right for being appointed as those who are junior in merit list has been given appointment.

It has been also submitted by Mr. Hemchandra, learned Sr. Counsel for the petitioners that there are vacancies against which the petitioners can be appointed. This submission has also not been disputed, and accordingly, the petitioners pray that the Respondents authority may be directed for giving appointment to the petitioners in terms of the decision of the Hon'ble Supreme Court as they can be considered for appointment.

In view of the above, the present petition is allowed with the direction to the Respondent authority to appoint the petitioners to the posts of Primary Teacher (SSA) in terms of the direction of the Hon'ble Supreme Court as well as the order passed by this Court referred to above.

ACTING CHIEF JUSTICE

Sushil