

(1989) 02 KAR CK 0037
In the Karnataka High Court
Case No : W.P.Nos. 112 to 114/88, etc

K. Janakiram

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 16-02-1989

Acts Referred:

Constitution of India, 1950 — Article 14, 16, 21

Karnataka State University Teachers (Absorption of Lecturers) Act, 1987 — Section 3

Citation : (1989) 3 KarLJ 613

Hon'ble Judges : K. A. Swami, J

Judgement

Swami, J.-In all these petitions under Article 226 of the Constitution of India, the petitioners have sought for a declaration that Section 3(1) of the Karnataka State University Teachers (Absorption of Temporary Lecturers) Act, 1987, (hereinafter referred to as the "Act"), is ultra vires of Articles 14,16 and 21 of the Constitution. They have further sought for quashing the Notification bearing No. GUG/ADM/EST-II (T)/87-88/3286 dated 7-1-1988 and also the Memo No. GUG/Zool/87-88/409 dated 22nd January, 1988 and the Circular No. GUG/ADM/EST-II (T)/87-88/3546, dated 1st February, 1988, produced as Annexures-B, C and D, respectively, in writ petition 3146 and 3147/88 as being illegal and without the authority of law and violative of Articles 14, 16,21 and 23 of the Constitution. They have also sought for issuing a writ in the nature of mandamus, directing the respondents to absorb the petitioners as Lecturers as they are also similarly situated as those other Lecturers who were appointed prior to 1-3-1984 and to grant all consequential reliefs.

2. Having regard to the contentions urged on both sides, the following point arises for consideration:

"Whether sub-section (1) of Section 3 of the Act is violative of Articles 14, 16 and 21 of the Constitution?"

If the petitioners succeed on this point, the other reliefs automatically follow. Therefore, it is not necessary to raise any point in respect of the remaining

reliefs:

3. The Act itself is a very short one. Therefore, the entire Act is reproduced which is as follows:

"Short title and commencement: (1) This may be called the Karnataka State University Teachers (Absorption of Temporary Lecturers) Act, 1987.

2. It shall come into force at once.

2. DEFINITIONS: In this Act, unless the context otherwise requires.- (a) "Departmental concerned" means the Department of the University concerned in which the vacancy of a Lecturer exists:

(b) "Temporary Lecturer" means a Lecturer appointed by the University on temporary basis under Section 51B of the Karnataka State Universities Act, 1976 (Karnataka Act No. 28 of 1976) but shall not include Lecturers appointed on contract basis or on those in foreign service and serving the University concerned on deputation; and (c) "University" means a University established and incorporated under the Karnataka State Universities Act, 1976 (Karnataka Act No. 28 of 1976).

3. Absorption and appointment of Temporary Lecturers of the Universities: (1) Notwithstanding anything contained in Section 49 or 51-B of the Karnataka State Universities Act, 1976 (Karnataka Act No. 28 of 1976), all temporary Lecturers appointed in a University on or before the first day of March 1984, and who were in service as such on the first day of March 1986, shall be absorbed and appointed by the University in the vacancies of Lecturers in the Department concerned subject to their fulfilling the conditions of eligibility excluding the age but including the minimum qualification prescribed by the University concerned under the relevant provisions of the law as applicable on the respective dates of their temporary appointment.

2. The services rendered by the temporary Lecturers absorbed and appointed under sub-section (1) prior to the date of such absorption and appointment shall notwithstanding anything contained in any other law of rule, be taken into consideration for determining the leave and pension but for the purpose of seniority, only service from the date of absorption and appointment under this Act shall be taken into consideration;

Provided that such service rendered prior to the date of the appointment and absorption shall be taken into consideration for the purpose of determining the interse seniority among the persons so absorbed and appointed."

Thus the Act regularises the services of temporary Lecturers as defined in the Act appointed by the Universities in the State of Karnataka who satisfy the conditions laid down in Section 3(1) of the Act.

4. The petitioners were appointed as temporary Lecturers on the following dates:

1. Petitioner in W. P. No. 112/88 21-9-1984
2. Petitioner in W. P. No. 113/88.. 14-8-1985
3. Petitioner in W. P. No. 114/88 ..13-12-1986
4. Petitioner in W. P. No. 3146/88 .. December, 1984
5. Petitioner in W. P. No. 3147/88 .. 1-7-1985
6. Petitioners in W. P. 6083 & W. P. 6084/88 20-9-1986

Shri. Rajasekharappa learned Government Pleader appears for all other respondents in all these petitions, and Shri Mohan Rangam learned Standing Counsel for the University appears for the University.

5. It is contended by Shri, Subba Rao, Learned Counsel for the petitioners, that the petitioners were appointed as temporary lecturers under Section 51B of the Karnataka State Universities Act, 1976, (hereinafter referred to as the "Universities Act"), and that some of them had put in two years of service on the date the Act came into force, that the petitioners just as all those temporary lecturers who were absorbed had put in two years of service as temporary Lecturers, that even then, the Act excludes them from absorption, therefore it is discriminatory. It is contended that the petitioners were appointed as Lecturers under Section 51B of the Universities Act, that the Act came into force on 28th February, 1987. That on the date the Act came into force, the petitioners had put in two years of service; that according to the provisions contained in sub-section (1) of Section 3 of the Act, it is only such of those temporary Lecturers who were appointed under Section 51B of the Act and who were in service on or before 1-3-1984 and on First day of March, 1986 are entitled to be absorbed; that though petitioners do not satisfy the first requirement, namely, that they were not appointed on or before First day of March, 1984, as they came to be appointed subsequent to 1-3-1984, of course, before the coming into force of the Act, and on the date the Act came into force they had put in two years of service as temporary Lecturers; therefore there was no reason whatsoever to exclude them from the purview of the Act; that this amounts to clear discrimination as there can be no distinction between the petitioners and those temporary lecturers who are absorbed under the Act. Therefore, the question necessarily arises as to whether the fixation of the date of First day of March, 1984 in the Act for the purpose of absorption results in any discrimination and is violative of Articles 14 & 16 of the Constitution.

7. If the matter had not been covered by a decision of the Supreme Court, this Court was required to consider it afresh. However, as the matter stands the Supreme Court has considered the validity of similar enactment in Dr. (Mrs.) Sushma Sharma etc. v State of Rajasthan and others, AIR 1985 Supreme Court, page 1367. The enactment considered by the Supreme Court also related to regularisation of temporary lecturers under the Rajasthan Universities Teachers and Officers (Special Conditions of Service), Act 18 of 1974, (hereinafter referred

to as "Rajasthan Act"). In that case the Supreme Court was called upon to consider the validity of Section-3 of the Rajasthan Act. Section-3 of the Rajasthan Act, which was considered by the Supreme Court in Sushma Sharma's case was as follows:

"3. Substantive appointment of temporary Lecturers: All temporary lecturers as were appointed as such on or before the 25th day of June, 1975 and were continuing as such at the commencement of the Rajasthan Universities Teachers (Absorption of Temporary Lecturers) Ordinance, 1978 (Ordinance No. 5 of 1978) shall be considered by the University concerned for their absorption and substantive appointment on the recommendation of the Screening Committee constituted under Section 4 or Section 5, as case may be subject to their fulfilling the conditions of eligibility including minimum qualifications prescribed by the University concerned under the relevant law as applicable on the respective dates of their temporary appointments and subject also to the availability of substantive vacancies of lecturers in the department concerned."

Sections 5 and 6 of the Rajasthan Act were as follows:

"5. Re-Screening: (1) Notwithstanding anything contained in Section 7 or any other provision of the Rajasthan Universities Teachers (Absorption of Temporary Lecturers) Ordinance, 1978 (Ordinance No. 5 of 1978), the services of a temporary lecturer, who was considered for substantive appointment by a Screening Committee but was not found suitable, shall be deemed not to have terminated and he shall continue to be a temporary lecturer till he is again considered for substantive appointment under Section 3 after his rescreening under sub-section (2) of this section.

(2) A temporary lecturer who was considered for substantive appointment by the Screening Committee referred to in Section 4, but was not found suitable shall be again considered by the Screening Committee reconstituted in the same manner as is provided in that section.

6. Appointment to be under the Act No. 18 of 1974: The lecturers appointed to the substantive posts in pursuance of the provisions of the Rajasthan Universities Teachers (Absorption of Temporary Lecturers) Ordinance, 1978 (Ordinance No. 5 of 1978) or of this Act shall be deemed to have been appointed under the provisions of the Rajasthan Universities Teachers and Officers (Special Conditions of Services) Act, 1974, (Act No. 18 of 1974)."

8. While considering the validity of the aforesaid Section 3 of the Rajasthan Act the Supreme Court has held thus:

29. The object of this legislation was to provide for absorption of temporary lecturers of long standing. So therefore experience and continuous employment were necessary ingredients. The Hindi version of the Ordinance used the expression "Ke prarambh ke samay is roop me karya kar rahe hein" is capable of meaning "and are continuing" to work as such at the time of the commencement

of the Ordinance Keeping the background of the purpose of the Act in view that would be the proper construction and if that is the proper construction which is in consonance with the English version of the Ordinance and the Act as well as with the object of the Act then in our opinion the Act and the Ordinance should be construed to mean that only those would be eligible for screening who were appointed prior to 25-6-75 and were continuing at the time of the commencement of the Ordinance i.e. 12-6-78 i.e. approximately about three years. If that is the correct reading, then we are unable to accept the criticism that those who were for a short period appointed prior to 25-6-75 and then again with interruption were working only at the time of the commencement of the Ordinance i.e. 12-6-1978 would also be eligible. In other words people with very short experience would be eligible for absorption. This cannot be the purpose of the Act. It cannot be so read reasonably. Therefore on the proper construction it means that all temporary lecturers who were appointed as such on or before 25-6-75 and were continuing as such at the commencement of the Ordinance shall be considered by the University for screening for absorption. The expression "were continuing" is significant. This is in consonance of the object of the Act to ensure continuity of experience and service as one of the factors for regularising the appointment of the temporary lecturers. For regularising the appointment of the temporary Lecturers certain continuous experience is necessary. If a legislature considers a particular period of experience to be necessary, the wisdom of such a decision is not subject to judicial review. Keeping the aforesaid reasonable meaning of clause (3) of the Ordinance and Section 3 of the Act in view, we are of the opinion that the criterion fixed for screening for absorption was not irrational criterion or a criterion not having any nexus with the purpose of the Act. Therefore, the criticism that a teacher who was working even for two or three months only before 25-6-75 and then with long interruptions was in employment of the University at the time of the commencement of the ordinance would be eligible but a teacher who had worked continuously from 26-6-1975 i.e. after the date fixed i.e. 25th June, 1975 for three years would be ineligible and as such that will be discrimination against long experience, cannot be accepted. Such a construction would be an unreasonable construction unwarranted by the language used in the provisions concerned. It is well settled that if a particular period of experience is fixed for screening or for absorption, it is within the wisdom of the legislature, and what period should be sufficient for a particular job or a particular employment is not subject to judicial review. We need not refer to a large number of decisions on this point.

30. Another contention was urged before us that if it was held that the proper interpretation of section 3 of the Act 1979 is that in order to be eligible for screening for absorption one should be appointed before the 25th June, 1975 and continued to be a teacher on the day of the coming into operation of the Ordinance i.e. 12-6-1978 i.e. continuously for a period of about three years then the Act cannot apply to anyone. It was submitted that in Rajasthan Universities there was the practice to keep temporary teachers with breaks and nobody could

continuously hold the post for a continuous period of three years indeed not more than six months. It was urged that the practice prevalent in the universities was to break the service of temporary lecturers and not to allow them continuously to work. The proper interpretation would be that these breaks i.e. a break for a month or so during vacation should be considered as "functional gaps" and temporary teachers who had functional gaps but were in fact in continuous service should be treated for all practical purposes to be in continuous service. It was submitted on behalf of the universities as well as the State Government before us that the universities as well as the State Government had always taken the stand that continuous service was covered by the Act and continuous service included those temporary teachers who had "functional gaps" but were in fact in continuous service. Looked at from that point of view there was no question of the Act not being of any use. It was further submitted that none of the respondents who had been absorbed had that qualification. If that is so, the appointments may be bad and these facts may be looked into if appropriate applications are made by the appellants and others. Improper application of law in certain cases does not make the law bad *per se*. Useless law similarly is not always arbitrary law.

31. Next comes the question whether the choice of 25th June, 1975 as the date prior to which temporary teachers must have been in employment to be eligible for screening is bad as such. If 25th June, 1975 was taken in order to differentiate between pre-emergency and post-emergency appointees for consideration for absorption then there cannot be any doubt that such a differentiation would amount to an arbitrary discrimination. Because the fact whether one was pre-emergency appointee and another a post-emergency was wholly irrelevant to the object of the Act and the Ordinance i.e. absorption of temporary lecturers of long standing working in the university. Therefore, to the question of absorption of temporary lecturers of long standing, imposition of emergency in the country and appointment prior or subsequent thereto is wholly irrelevant and has no nexus. Differentiation on a ground which is irrelevant amounts to discrimination. This is well settled by numerous decisions of this Court. It is not necessary to refer to these decisions. It is sufficient if we mention the decision of this court in *Re The Special Courts Bill, 1978* (1979) 2 SCR 476: (AIR 1979 SC 478) where at page 534: (at P. 508 of AIR) learned Chief Justice *inter alia* laid down the following principles to judge validity under Article 14 of the Constitution:

"1. The first part of Article 14, which was adopted from the Irish Constitution, is a declaration of equality of the civil rights of all persons within the territories of India. It enshrines a basic principle of republicanism. The second part, which is a corollary of the first and is based on the last clause of First Section of the Fourteenth Amendment of the American Constitution, enjoins that equal protection shall be secured to all such persons in the enjoyment of their rights and liberties without discrimination or favoritism. It is a pledge of the protection of equal laws, that is, laws that operate alike on all persons under like

circumstances.

2. The State, in the exercise of its governmental power, has of necessity to make laws operating differently on different groups or classes of persons within its territory to attain particular ends in giving effect to its policies, and it must possess for that purpose large powers of distinguishing and classifying persons or things to be subjected to such laws.

3. The Constitutional command to the State to afford equal protection of its laws sets a goal not attainable by the invention and application of a precise formula. Therefore, classification need not be constituted by an exact or scientific exclusion or inclusion of persons or things. The Courts should not insist on delusive exactness or apply doctrinaire tests for determining the validity of classification in any given case. Classification is justified if it is not probably arbitrary.

4. The principle underlying the guarantee of Article 14 is not that the same rules of law should be applicable to all persons within the Indian territory or that the same remedies should be made available to them irrespective of differences of circumstances. It only means that all persons similarly circumstanced shall be treated alike both in privileges conferred and liabilities imposed. Equal laws would have to be applied to all in the same situation, and there should be no discrimination between one person and another if as regards the subject-matter of the legislation their position is substantially the same.

5. By the process of classification, the State has the power of determining who should be regarded as a class for purposes of legislation and in relation to a law enacted on a particular subject. This power, no doubt, in some degree is likely to produce some inequality; but if a law deals with the liberties of a number of well-defined classes, it is not open to the charge of denial of equal protection on the ground that it has no application to other persons. Classification thus means segregation in classes which has a systematic relation, usually found in common properties and characteristics. It postulates a rational basis and does not mean herding together of certain persons and classes arbitrarily.

6. The law can make and set apart the classes according to the needs and exigencies of the society and as suggested by experience. It can recognise even degree of evil, but the classification should never be arbitrary, artificial or evasive.

7. The classification must not be arbitrary but must be rational, that is to say, it must not only be based on some qualities or characteristics which are to be found in all the persons grouped together and not in others who are let out but those qualities or characteristics must have a reasonable relation to the object of the legislation. In order to pass the test, two conditions must be fulfilled, namely, (1) that the classification must be founded on an intelligible differentia which distinguishes those that are grouped together from others and (2) that differentia must have a rational relation to the object sought to be achieved by the Act."

9. Thus from the aforesaid decision of the Supreme Court it is clear that it is open to the Legislature to fix a particular period of service for the purpose of absorption and by reason of fixation of such period, if, any one becomes ineligible for absorption, even though he has put in the same number of years of service, it will not amount to discrimination. That being the proposition of law laid down by the Supreme Court while interpreting the provisions of the Rajasthan Act which are in pari-materia with the Act with which we are concerned in these petitions, it is not possible to hold that sub-section (1) of Section-3 of the Act in question suffers from the infirmities as contended by the learned counsel for the petitioners. What applies to Section 3 of the Rajasthan Act, which is held as valid by the Supreme Court equally applies to sub-section (1) of Section 3 of the Act, because both the enactments relate to absorption of temporary lecturers, the object sought to be achieved by both the enactments is the same and the material provisions of both the enactments are in pari-materia.

10. Shri. Subba Rao, learned Counsel for the petitioners placed reliance on another decision of the Supreme Court in D.S. Naraka and others, Petitioners v Union of India, Respondent., AIR 1983 Supreme Court, Page 130. A particular stress was laid on paras 4 and 16 of the decision. In para-4 of the decision while considering Article 14 of the Constitution, the Supreme Court has held that the principle underlying the guarantee ensured by Article 14 is not that the same rules of law should be applicable to all persons within the Indian Territory or that the same remedies should be made available to them irrespective of differences of circumstances. It only means that all persons similarly circumstanced shall be treated alike both in privileges conferred and liabilities imposed. Equal laws would have to be applied to all in the same situation, and there should be no discrimination between one person and another if as regard the subject matter of the legislation their position is substantially the same. In para-16, it has been further observed that legislative and executive action may accordingly be sustained if it satisfies the twin tests of reasonable classification and the rational principle correlated to the object sought to be achieved.

11. On the basis of the aforesaid decision, it is contended that the object sought to be achieved by the Act is absorption of temporary lecturers who have put in two years of service. Therefore, the fact that whether such lecturers have put in service of two years either from First March, 1984 or subsequent there-to, as long as they had put in two years of service on the date the Act came into force, they should not have been made ineligible for absorption or excluded from absorption. The argument overlooks the fact that the legislature intended to absorb all those temporary lecturers who were appointed under Section 51B of the Universities Act on or before 1-3-1984 and were in service on or before 1-3-1984 till 1-3-1986. The object of the Act was to absorb those who were in service between those two dates for that duration and not those who were appointed subsequent to 1-3-1984. Therefore, it is not possible to accept the contention that exclusion of the petitioners is discriminatory and is opposed to Article-14 of the Constitution.

12. Learned Counsel for the petitioners placed reliance on an another decision of the Supreme Court in *Uttar Pradesh Mahavidyalaya Tadarth Shikshak Nivamitikaran Abhiyam Samiti, Varanasi v State of U.P. and others*, AIR 1987 Supreme Court, 1772. In that case the Supreme Court was concerned with the ad hoc appointments made and the regularisation of such services. A cut-off date was fixed being 3rd January, 1984 for the purpose of regularisation of services of ad hoc teachers appointed by the Management of affiliated colleges. The contention urged was that the fixation of the cut-off date was arbitrary and irrational, therefore, it violated Article-14 of the Constitution. Supreme Court negated that contention and held thus:

"2. We agree with the High Court that fixation of the date January 3, 1984 for purposes of regularisation was not arbitrary or irrational but had a reasonable nexus with the object sought to be achieved. The whole object of enacting Section 31B was to regularise the services of ad hoc teachers appointed under the provisions of the two U.P. Higher Educational Services Commission (Removal of Difficulties) Orders, 1982 and 1983 which remained in operation till January 3, 1984. In view of the proviso to Section 31A, the State Government had no power to issue any fresh Removal of Difficulties Order as it was available only for a period of two years from the date of commencement of the Act. It follows that the Management of the affiliated colleges had no power after January 3, 1984 to make any ad hoc appointments under the provisions of the said Removal of Difficulties Order. Under Section 12(1) of the Act, no such appointments could be made by the Management after that date except under Section 31A i.e., where the Management had notified a vacancy to the Commission in accordance with Section 12(2) and the Commission failed to recommend the names of suitable candidates as required by sub-section (1) thereof within three months from the date of such notification."

It was also further held that "we are satisfied that adoption of January 3, 1984 as the date for regularisation of services of ad hoc teachers under Section-31B of the Act was not arbitrary or irrational. It is quite clear that the cut-off date January 3, 1984 is relatable to the ad hoc appointments made by the Management under the Second Removal of Difficulties Order.....

12.2 However, learned Counsel for the petitioners placed reliance on the observations made in para-8 of the Judgment. In para-8, Supreme Court has observed thus:

"Although we decline to interfere, we cannot help observing that some of the petitioners who apparently are highly qualified persons would be faced with unemployment. We hope and trust that the State Government would sympathetically consider their case for suitable employment commensurate with their experience and qualifications within three months from today, in case the petitioners make a representation for such employment."

13.1. Lastly learned counsel placed reliance on a decision of this Court in W.P.

27651/82, S. Vishwanatha v The State of Karnataka and others, dated 9th March, 1983. In that case this Court was called upon to consider the validity of the Karnataka Civil Services (Special) Rules, 1982. The various provisions contained in those rules are not in any way *pari-materia* with any of the provisions contained in the Act in question. Therefore, the decision is of no assistance to the petitioner. The following points were raised and decided in that case:

(i) It was held that the appointment of local candidates made in the past was without the authority of law and in plain contravention of the rules framed under provision to Article 309 of the Constitution.

(ii) That the special rules in question were not violative of Article 14 and 16(1) of the Constitution, while providing employment to persons under the stipendary employment scheme.

The writ petition was disposed of with the following direction:

"54. In the result, my conclusions are:

(1) Appointment of local candidates made all these years were without authority of law. The orders issued in purported exercise of executive power permitting appointment of local candidates, were *ultra vires* the power of the executive as the field was occupied by rules framed under proviso to Article 309 of the Constitution. It follows that hereafter no appointment of persons as local candidates could be made pursuant to those orders.

(2) The Government order evolving and providing stipendary employment scheme did not provide for appointment of persons to services and posts governed by the recruitment rules framed under Article 309 of the Constitution, but was an ameliorative measure to help the educated unemployed, by paying them a stipend of Rs. 150/- per month (later raised to Rs. 200/-) and utilisation of their services in various spheres of Governmental activities. The order was within the executive power of the State and therefore, valid.

(3) The classification of persons eligible for recruitment to Group "C" posts in the services of the State as those who had put in service as local candidates or stipendary graduates as distinct from others is based on experience in addition to academic qualification and, therefore, reasonable and has nexus to the object sought to be achieved by the Karnataka Civil Services (Special) Rules, 1982. Hence the rules are held valid.

(4) (i) The Karnataka State Civil Services (Special Recruitment) Rules, 1982 is violative of Articles 14 and 16(1) of the Constitution and, therefore, void.

(ii) The State however may amend Rule 6 of the General Recruitment Rules or to introduce a new rule into the Karnataka Civil Services (Special) Rules, 1982, providing for enhancing the maximum age limit for appointment to the extent of the period of service put in by a stipendary graduate subject to a maximum of

five years.

(5) As Special Recruitment Rules are held invalid, it follows that selections of persons eligible under the Special Rules also would have to be made in accordance with the procedure prescribed under the relevant rules at a common selection. Therefore selection of candidates eligible under the Special Rules is directed to be made along with others at a common selection by following the procedure indicated below:

(i) Recruitment of persons eligible under the Special Rules in respect of the quota reserved in their favour has to be made by the concerned departmental selection committee constituted under the Karnataka Civil Services (Recruitment Committee) Rules 1982 or the Public Service Commission, as the case may be, on whom the power to make selection to the concerned category of posts is conferred.

(ii) The selection shall be made at a common selection in accordance with the provisions of the Direct Recruitment by Selection Rules, 1973 or any other rules specially made for any class of persons of posts.

(iii) The selecting authorities will, however, classify the applications into two categories; one set under the Special Rules and another under the General Rules, but in making the selection shall adopt the same procedure, viz., the same interview test or written test as prescribed for selection under the relevant Selection Rules.

(iv) After preparing two separate select lists; one of persons eligible for selection under the Special Rules and another of persons selected under the General Rules; the candidates so selected should be integrated into one select list arranging the names of persons strictly according to merit but subject to the maintenance of roster for the purpose of ensuring reservation in favour of candidates belonging to Scheduled Castes, Scheduled Tribes, and other Backward Classes in the manner prescribed under the relevant rules or order and shall publish one common list of selected candidates.

(v) The unfilled posts, whether general or reserved for Backward Classes under the Special Rules shall be made available to the candidates entitled to be selected under the General Rules, belonging to the respective category, in accordance with the rules and orders in force fixing the roster and the method for the carry forward of the reserved posts."

13.2. Thus from the aforesaid decision it is clear that the proposition laid down therein is not applicable to the case on hand.

14. For the reasons stated above, the Act in question is not violative of Articles 14 and 16 of the Constitution. It cannot also be held to be violative of Article 21 of the Constitution. However liberally the Article 21 is construed, it is not possible to hold that the Act deprives life and personal liberty of the petitioners. The Act aims at regularising or absorbing such of those temporary lecturers who fall

within the purview of the Act. Accordingly, the point raised for determination is answered in the negative.

15. Consequently, it follows that the petitioners are not entitled to the other reliefs sought for by them.

16. The next question that remains for consideration is as submitted by Sri Subba Rao, learned Counsel for the petitioners that these petitioners are equally qualified and some of them are stated to have been awarded gold medals and if they are thrown out of service, they would be exposed to unemployment. In the facts and circumstances of the case, this court is persuaded to observe that if the services of the petitioners are quite satisfactory and if after such a long period of service they are to be thrown out of employment, it would be very difficult for them to secure alternative employment. Therefore, the respondents shall at least consider the cases of such of those petitioners who had put in two years on the date the Act came into force to appoint them in suitable posts, if they made a proper representation within three months from today.

17. For the reasons stated above, these writ petitions fail and the same are dismissed.

Writ petitions dismissed.