

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

P.I.L.No.153 OF 2015

PC: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Sri G.Vidyasagar, learned Senior Counsel for petitioner, learned Government Pleader for Higher Education for respondent Nos.1 to 6 and 8 to 12, Sri Deepak Bhattacharjee, learned counsel for respondent No.7, Sri Gopala Rao Gandrakota, Sri G.V.L.Murthy, and Sri Sarang J.Afzulpurkar, learned counsel for impleading respondents.

The petitioner, through this PIL, prays for the following relief;

“.....this Hon'ble Court may be pleased to issue an order. direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ (i) directing the State Government to ensure that eligible candidates are appointed as lecturers in Degree and Junior colleges even on stopgap arrangements and (ii) declaring the action of the Respondents in appointing and continuing the Degree College Lecturers in Government Degree Colleges contrary to G.O.Ms.No. 47, dated : 14.05.2007 as illegal, arbitrary and in violation of Article 14 & 16 of Constitution of India and (iii) consequently direct the Respondents to appoint the Contract Degree Lecturers as per G.O. Ms. No. 47 dated 14.05.2007 by duly issuing the Notification for the academic year 2015-16”.

During the course of hearing, we have directed the Secretary to Government, Higher Education Department to file an undertaking to take up recruitment of vacant posts of Lecturers and fill up the same in accordance with the applicable Rules. The affidavit of Secretary is filed and the same is taken on record.

Learned counsel for the petitioner tried to persuade us to issue definite directions to fill up the vacant posts of Lecturers with eligible candidates. On the other hand, learned Government

Pleader for State and also respondents have brought to our notice a few practical difficulties in attending eligibility test conducted by UGC or an accredited University. We have taken note of the submissions of learned counsel appearing for all the parties and perused the material available on record.

Prima facie, we are satisfied that having regard to the stand of the Secretary to Government, Higher Education Department, in the affidavit dated 10.12.2015 and also the preparedness of contract Lecturers to take up and write the State Level Eligibility Test (SLET) examination to be conducted by accredited University, we propose to dispose of the writ petition by this order. Further, we are conscious that in the middle of academic year, the ongoing arrangement ought not to be disturbed in the interest of students.

The stand of 1st respondent State through the affidavit dated 10.12.2015 is taken on record and accepted. We deem it appropriate to excerpt the following paragraphs from the affidavit:

“ I further submit that when the above matter came up before this Hon'ble Court on 18.11.2015, this Hon'ble Court passed an order whereby and whereunder, (a) the learned Advocate General for the State of Andhra Pradesh by the next date of hearing makes a statement as to in how much time 'SLET' examination would be conducted for the benefit of contract teachers and

(b) the learned Advocate General shall also inform the Hon'ble Court with regard to the time that would be consumed henceforth to take steps for filling of vacant posts in the Government Degree Colleges.

In obedience to the directives of this Hon'ble Court, it is humbly submitted that the total number of vacancies to the posts of teachers in all the Government Degree Colleges in the State of Andhra Pradesh are about 1451, out of which 743 vacancies are temporarily filled up by engaging the contract teachers.

It is humbly submitted that the State of Andhra Pradesh could conduct 'SLET' Examination in the month of April, 2016. It is needless to mention that to

conduct the said Test, it is incumbent on the concerned University to approach the University Grants Commission to get consent and approval. Accordingly, the State of Andhra Pradesh is requesting the Andhra University to take steps to seek permission/clearance from the University Grants Commission. The State's endeavour to conduct the said examination in the month of April, 2016 subject to any unforeseen exigencies.

Insofar as filling up of vacant posts are concerned, it is humbly submitted that already submitted there are 1451 vacancies and 25% of such vacancies would be filled in by direct recruits and the balance 75% from the feeder category. The State is keen to fill up these vacancies. The process of filling up regular vacancies will be based on the report of Mr.Kamalanathan that would be submitted. The State requests 6 to 9 months time to fill the said vacancies. This endeavour of the State is subject to any unforeseen exigencies”.

From the above, it is clear that the Government, on its own, intends to fill the posts in accordance with law.

At the time of hearing, it is brought to the notice of this Court that the Government of A.P intends to apply to UGC for accreditation of Andhra University to conduct SLET examination instead of availing the services of already accredited University viz., Osmania University, State of Telangana.

Learned Standing Counsel Sri Deepak Bhattacharjee submits that the UGC/7th respondent will expeditiously consider the request of Andhra University within two months from the date of receipt of application and pass appropriate orders. The statement is recorded and accepted.

The writ petition is disposed of by issuing the following directions:

- (a) the 1st respondent is directed to fill up regular vacancies of lecturers in junior and degree colleges on or before 30.06.2016 in

accordance with the Rules;

- (b) the 1st respondent is further directed to take up expeditiously the accreditation process of Andhra University by UGC/7th respondent. The 1st respondent issues suitable directions to the proposed accredited University to act in the matter, keeping in mind the time schedule accepted by this Court through this order; and
- (c) the 7th respondent/UGC upon receipt of application for grant of accreditation by Andhra University is directed to complete the formalities of inspection etc., and pass final orders within a period of two months from the date of receipt of such application.

PIL is, accordingly, disposed of.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

DILIP B. BHOSALE,
ACJ

S.V.BHATT,

J
Date: 21.12.2015
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