

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**

WRIT APPEAL No.1061 of 2015

JUDGMENT : (per Hon'ble Sri Justice R.Subhash Reddy)

This Writ Appeal, under Clause 15 of Letters Patent, is filed by the appellant/writ petitioner aggrieved by the order dated 26.11.2015 passed by the learned single Judge in W.P.No.38391 of 2015.

2. The appellant/writ petitioner was appointed as Associate professor of Dentistry in Rajiv Gandhi Institute of Medical Sciences, Kadapa, vide proceedings Rc.No.1382/E1.B/2008, dated 19.01.2011, issued by the 3rd respondent, for a period of four years from the date of joining. Through the impugned proceedings Rc.No.65/E1/2011, dated 29.10.2015 issued by the 3rd respondent, the appellant/writ petitioner was relieved and was asked to handover the charge to one Dr. K. Anil Kumar, Assistant Professor. The said order is subject matter of challenge in the aforesaid writ petition. A learned single Judge of this Court, through the impugned order dated 26.11.2015, dismissed the writ petition by recording a finding that as the appointment of the appellant/writ petitioner is for a fixed tenure, he is not having any right to continue in the said post.

3. In this writ appeal, the only contention advanced by the learned counsel for appellant is that similarly placed persons are being continued and it is further submitted that

Dr. K. Anil Kumar, Assistant Professor, is junior to the appellant.

4. From a perusal of the appointment order dated 19.01.2011 itself, it is clear that the appointment of appellant itself is a contractual appointment only for a period of four years and Clauses (2) and (3) of the said order read as under:

“(2) Further, it should be made explicit in the contract that without further action, discussion, notice or reference, this contract would automatically cease to operate on lapse of the contract period, and both parties will be discharged of their respective obligations and liabilities without any formal or informal communication.

(3) The appointment as **Associate Professor** in the specially concerned will be in force till the end of tenure of the contract period i.e., **Four (4) Years from the date of joining** OR the maximum age limit of 65 years, whichever is earlier as per Act No.31 of 2007.”

5. In view of the aforesaid clauses in the appointment order dated 19.01.2011, the appellant/writ petitioner has no right to continue as such in the said post. As regards the further allegation of the appellant/writ petitioner that Dr. K. Anil Kumar, who is junior to him, is being continued in the said post, it is to be seen that under what circumstances the said Dr. K. Anil Kumar is being continued is not known. In any event, the same does not confer any right on the appellant/writ petitioner for his continuance in the said post.

6. For the aforesaid reasons, we do not find any merit in this Writ Appeal. However, the observations made by the learned single Judge in the order dated 26.11.2015 in W.P.No.38391 of 2015 permitting the appellant/writ petitioner to make a representation to the respondents and

that the respondent should consider the said representation and the decision to that extent should be taken objectively, holds good.

7. Subject to the above observations, this Writ Appeal is disposed of, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE M. SATYANARAYANA

MURTHY
15.12.2015.
Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT APPEAL No.1061 of 2015

15.12.2015

Msr