

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 6605 OF 2015

ORDER:

The petitioner called in question the correctness of the orders passed by the respondent on 09.03.2015 terminating the contractual engagement of his services.

The petitioner, it appears, had served as a Professor of Business Administration in one of the reputed educational institutions in Mumbai. Since he has retired from service, he has offered his services to teach the students pursuing management courses with Maulana Azad National Urdu University. Accordingly, the said university has engaged the services of the petitioner, on re-employment basis, as a Professor in the Department of Management and Commerce of the university. Now in the order dated 09.03.2015, it is brought out that the selections for appointment, on regular basis, of a Professor of Business Management has been made by the Selection Committee at its meeting held on 31.01.2015 and in view of the availability of the services of a regular teacher, the re-employment of the petitioner has been sought to be dispensed with by terminating the same.

Learned counsel for the petitioner Sri Yogender Singh would submit that a set of four charges have been framed against the petitioner by the respondent university on 21.11.2014 and even before the petitioner has been afforded a full-fledged opportunity to defend himself, the university has devised a crude method of putting to an end his services on an imaginary basis. According to the learned counsel for the petitioner, the true reason that weighed with the university in terminating the employment of the petitioner was the charge-sheet drawn against him and without establishing the said charges, his services could not have been terminated.

I am not at all impressed with this argument. At page 11 of the Writ Petition paper book, I found the order dated 16.09.2013 issued by

the university appointing the writ petitioner as Professor (Business Management), Department of Management and Commerce, on re-employment basis, initially for a period of two years, extendable further at the discretion of the university in the pay band of Rs.37,000 – 400 - 67,000 together with admissible allowances. It is therefore, clear that the petitioner is not a regular employee or even a temporary employee of the university. His services have been engaged on a contractual basis and that too, on a re-employment basis. Obviously, the petitioner has already crossed the maximum permissible age for recruitment, inasmuch as he is of 62 years as of now. It is therefore, a clear case where a stopgap arrangement has been worked out by the university in employing the petitioner. Now that the university has finalized the selections for recruiting, on a regular basis, a professor to teach the business management course, the re-employment of the writ petitioner has been drawn to an end. I do not find any justification whatsoever to entertain this Writ Petition.

When the learned counsel for the petitioner has aired an apprehension as to whether the alleged selection and appointment of a regular teacher as an imaginary one, Sri K. Ramakanth Reddy, learned Standing Counsel for the respondent university has placed before me a copy of the order dated 10.03.2015 appointing Dr. Badiuddin Ahmed as a Professor, Business Management/Commerce by the university. He was also shown to be kept on probation for a period of one year from the date of joining the duty. Thus, it is very clear that a regular incumbent has been selected and appointed as a Professor of Management Studies by Maulana Azad National Urdu University and that alone has prompted the services of the petitioner to be disengaged. I have therefore, no hesitation to dismiss this Writ Petition at the admission stage.

Above all, the petitioner has not chosen to implead Maulana Azad National Urdu University as a party respondent. Instead, the Registrar of the university in his official capacity has been impleaded.

The Registrar has merely communicated the orders of the university on 09.03.2015. Therefore, for the failure to implead the proper and necessary party, namely Maulana Azad National Urdu University, Hyderabad also, this Writ petition deserves to be dismissed.

The Writ Petition is accordingly, dismissed. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

17th March 2015

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