

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.19720 of 2014

Date: 01-6-2015

Between

T.Vinay Kumar

and another

... Petitioners

and

The State of Telangana,

Rep. by Prl. Secretary,

Higher Education (UE-I) Dept.,

Hyderabad;

and 2 others

... Respondents

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.19720 of 2014

Order:

The order dated 04-7-2014 in W.P.No.9435 of 2014 passed by this Court is challenged in the present writ petition. W.P. No.9435 of 2014 was filed by A.Dayanidhi, respondent No.3 herein, to declare the delay and inaction on the part of the 2nd respondent-Osmania University in appointing him as Finance Officer in the 1st respondent-University pursuant to the panel submitted by the 2nd respondent vide letter dated 30-3-2013 as arbitrary, illegal and to direct the 1st respondent to appoint him as Finance Officer in the Osmania University, Hyderabad.

The writ petition was allowed and a direction was issued to the 1st respondent-University to appoint the 3rd respondent as the Finance Officer.

2. It is contended in the present writ petition that the petitioner sought the relief pursuant to G.O.Ms.No.122, dated 05-10-2011, by suppressing the fact that the

1st respondent subsequently issued G.O.Ms.No.22, dated 04-4-2013, in supersession of the orders issued in G.O.Ms.No.122 of Higher Education (UE.I) Department, dated 05-10-2011 and also G.O.Ms.No.2 of Higher Education (UE.I) Department, dated 11-01-2012.

It is further contended that neither the 3rd respondent nor the 2nd respondent-University brought it to the notice of this Court while making submissions in W.P.No.9435 of 2014 about the issuance of G.O.Ms.No.22, dated 04-4-2013, misled the Court to pass the impugned order.

3. The writ petition is stoutly opposed by the 2nd respondent-University as well as the 3rd respondent by filing separate counter affidavits.

4. I have heard Sri Thakur Singh, learned counsel appearing for

the petitioners, learned Government Pleader for Higher Education appearing for the 1st respondent,

Sri Deepak Bhattacharjee, learned Standing Counsel for the 2nd respondent-University and Sri Ch.Venu Kumar, learned counsel appearing for the 3rd respondent.

5. Pursuant to G.O.Ms.No.122, dated 05-10-2011, the Screening Committee of the 2nd respondent-University empanelled 3 candidates including the 3rd respondent who is on the top of the list. Two candidates opted for some other posts in other Universities and informed the same to the 2nd respondent-University. Despite the said fact, the

2nd respondent-University did not take any steps to appoint the 3rd respondent as the Finance Officer. On that, he filed W.P.No.9435 of 2014 wherein this Court upon considering the contentions advanced on behalf of the 3rd respondent as well as the 2nd respondent-University, issued a direction to the 2nd respondent-University to appoint the 3rd respondent as the Finance Officer.

6. In their counters, the respondents 2 and 3 have denied the fact that G.O.Ms.No.122, dated 05-10-2011, was superseded by G.O.Ms.No.22, dated 04-4-2013. According to the respondents, the said G.O., added some more conditions making some other persons eligible for the post of Finance Officer but there was no communication from the Government about non-validity of the earlier panel prepared in terms of G.O.Ms.No.122 and also there was no mention about G.O.Ms.No.122 in G.O.Ms.No.22. Therefore, it has been contended by the 2nd respondent-University in the present writ petition that the process of appointment of Finance Officer from the panel received by the

2nd respondent-University was continued. It is further submitted that

before writing a letter to Government seeking fresh panel as decided by the Executive Council, the 3rd respondent herein approached this Court and this Court passed orders directing his appointment as Field Officer and therefore, the 2nd respondent-University issued orders appointing the 3rd respondent as Finance Officer.

7. In W.P.No.9435 of 2014, the 3rd respondent challenged the inaction on the part of the 2nd respondent-University in not appointing him despite the Screening Committee empanelled him as one of the candidates pursuant to G.O.Ms.No.122, dated 05-10-2011. Therefore, as rightly contended by the respondents, even if the petitioners mentioned about G.O.Ms.No.122, there would not be any change in the relief granted by this Court since this Court upon examining the merits of the case arrived at the conclusion that not appointing the petitioners inspite of their empanelment by the Screening Committee is arbitrary and illegal. This Court also took into consideration the letter addressed by the Government to the 2nd respondent-University whereunder the Government have asked the 2nd respondent-University to consider the representation made by the petitioner. Therefore, I am not in acceptance with the contention urged in the present writ petition that the 3rd respondent had obtained the orders by suppressing the material facts. Notwithstanding the mention about the subsequent G.O.Ms.No.22, dated 04-4-2013, the petitioner (3rd respondent) is entitled for the relief sought for in W.P.No.9435 of 2014. Since he questioned the inaction of the 2nd respondent-University in not appointing him as Finance Officer pursuant to the recommendation made by the Screening Committee under the earlier G.O., I do not see any valid ground to set aside the order passed by this Court in W.P.No.9435 of 2014.

8. The writ petition is, therefore, dismissed.

The miscellaneous petitions, if any, pending in this writ petition shall

stand closed. No costs.

R.KANTHA RAO, J.

01st June, 2015.

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HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.19720 of 2014

01st June, 2015.

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