

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.32329 of 2010

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ORDER:

Heard Sri P.V. Ramana, learned counsel for the petitioner and Dr. P.B Vijay Kumar, learned Standing Counsel for the Andhra University.

The principal question, which is agitated in this writ petition, relates to the age of superannuation of a Deputy Librarian attached to the University Library. The controversy has been generated as to whether a Deputy Librarian is liable to be treated as a member of the teaching faculty or not. That question has now been set at rest both by way of judicial pronouncements as well as the stand adopted by the University Grants Commission. In that view of the matter, a Deputy Librarian is liable to be treated and considered as a member of the teaching faculty.

It is now also pointed out that the same question as to whether there can be difference in the age of superannuation of a Deputy Librarian than that of a teaching faculty member of the Andhra University has fallen for consideration in **S.S. JANARDHAN RAO v. ANDHRA UNIVERSITY AND ANOTHER**. The learned Single Judge, after elaborately considering the issue, has held that the post of Librarian in Andhra University falls within the category of teaching faculty and consequently, there cannot be a different age of superannuation to him than that of any other member of the teaching faculty. It is also further brought out that the Andhra University challenged the correctness of this viewpoint by preferring W.A.Nos.157 and 1607 of 1999, which were dismissed by a Division Bench on 18-09-2002 upholding the viewpoint of the learned Single Judge.

It must also be stated in fairness that Dr. P.B. Vijay Kumar, learned Standing Counsel for the Andhra University, would not seriously dispute the legal proposition that the library staff employed in university libraries, such as, Librarian, Deputy Librarian and Assistant Librarian, are also entrusted with a certain portion of teaching and / or research work, which is akin to some of the members of the teaching faculty. When once there was an agreement on this count that the university library staff, such as Librarian, Deputy Librarian and Assistant Librarian are no longer liable to be treated differently from that of the members of the teaching

faculty, it stands to reason that there should not have been a different age of superannuation to such library staff which can be distinct and separate from that of any of the teaching faculty members. Accordingly, the writ petitioner, who was a Deputy Librarian, should be treated by the Andhra University to have retired from service on attaining the age of superannuation at par with that of the teaching faculty members and on that basis, his terminal benefits shall be reckoned.

With this, the writ petition stands disposed of at the admission stage, but however, without costs.

Consequently, the miscellaneous petitions, if any, stand disposed of.

NOOTY RAMAMOHANA RAO, J.

mrk

31.03.2015.