

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**FRIDAY, THE ELEVENTH DAY OF DECEMBER TWO
THOUSAND AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40216 of 2015

Between:

G. Bhanu Kiran,
S/o. G. Bhageswara Rao,
Aged 35 years, Flat: A10,
Srinivasa Paradise,
Near Car Shed Junction,
PM Palem, Visakhapatnam,
Andhra Pradesh – 530 041.

.. Petitioner

AND

Rajiv Gandhi University of Knowledge Technologies,
Rep. by its Vice Chancellor,
Ground Floor, Vindhya C4 Buildings,
Campus of IIIT-H, Gachibowli,
Hyderabad – 500 032 & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40216 of 2015

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ORDER:

Notification No.2 of 2013 was issued calling for applications for enlistment to various categories of posts in the respondent University including posts of Assistant Professors in several disciplines. The petitioner came out successfully in the selections conducted and, accordingly, by orders, dated 26.10.2013, he was issued appointment orders. This appointment order was kept in abeyance by orders of the competent authority, dated 28.10.2013. The said abeyance orders were earlier challenged before this Court in W.P.No.6006 of 2014. This Court passed interim orders. However, during the pendency of the said writ petition, the Governing Council has taken a decision to cancel the entire selection in pursuant to the Advertisement No.2 of 2013. The petitioner challenges the decision of the Governing Council cancelling the entire selection in pursuant to the Advertisement No.2 of 2013.

2. In W.P.No.5107 of 2015 & batch, the decision of the Governing Council of the respondent University cancelling the entire selection is challenged. This Court, by judgment, dated 13.11.2015, allowed the writ petitions. This Court held as under:

“20. Having gone through the contentions urged in

the counter affidavit, I am of the view that the irregularities pointed out are not material and the selection process is in accordance with the notification issued for the said posts. As already said, absolutely there is no malpractice, manipulation or fraud in the process of selection. If that is so, the entire select list cannot be cancelled to the detriment of the meritorious candidates. This is not a case wherein it is not possible to segregate the properly selected candidates from improperly selected candidates even by following the rule of reservation. On the pretext that some mistakes occurred in the process of selection, the entire selection process shall not be annulled. As pointed out by the Hon'ble Supreme Court in the judgments referred supra, if the selection process is tainted with corrupt practices, manipulations and fraud, then only the entire selection can be cancelled. In the instant case, absolutely, even according to the respondents, there are no corrupt practices, manipulations or fraud played in the process of selection. Most of the petitioners are working as contract lecturers in the respondents-University. If they are selected fairly in accordance with the norms indicated in the notification, they cannot be denied appointment on the grounds viz., rule of reservation has not been followed, no cut-off marks were prescribed, some ineligible candidates were given appointment etc. The counter affidavit does not mention about any specific irregularities candidate-wise. Apparently, it seems that the basis for cancellation of the select list is nothing but the Note issued by the then Deputy Chief Minister of the erstwhile State of Andhra Pradesh and the fax message sent by the State Government. No specific irregularity has been pointed out by the Sub Committee appointed by the Governing Council of the respondents-University. Since the petitioners were given appointment orders, they shall be absorbed in the said posts unless it is shown that any taint, malpractice or fraud is attached to their selection or that they were not properly selected for their respective posts.

21. In view of what all stated herein above, the resolution of the Governing Council of the respondents-University cancelling the entire selection process in pursuance of Advertisement No.2/2013 is declared as illegal and it is set aside. Consequently, the respondents are directed to examine the select list thoroughly, apply the rule of reservation and segregate the candidates who are improperly selected from the properly selected candidates

and appoint the petitioners according to their merit and by applying the rule of reservation pursuant to their respective appointment orders. With the above directions, all the writ petitions are disposed of. The miscellaneous petitions, if any, pending in these writ petitions shall stand closed. No costs.”

3. When the matter is taken up, learned counsel for the petitioner as well as the learned Assistant Government Pleader, learned Standing Counsel representing the respondent University have stated that the subject matter of the writ petition is covered by the decision of this Court in W.P.No.5107 of 2015 and batch.

4. Having regard to the same and following the earlier decision of this Court, the Writ Petition is disposed of. The cancellation of the entire selection process in pursuant to the Advertisement No.2 of 2013 is declared as illegal and it is set aside. Consequently, the respondents are directed to examine the select list thoroughly, apply the rule of reservation and segregate the candidates who are improperly selected from the properly selected candidates and appoint the petitioner according to his merit and by applying the rule of reservation pursuant to his appointment order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 11th December, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 11th December, 2015

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