

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT APPEAL No.581 of 2016

and

WRIT PETITION No.35190 of 2015

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08.08.2016

Between:

Prof.Veera Brahma Kishan and others

..Appellants/Petitioners

And

The State of Telangana,
represented by its Principal Secretary,
Hyderabad and others

..Respondents

Counsel for the appellants/petitioners: Mr.S.Satyam Reddy, senior counsel
for Mrs.K.V.Rajasree

Counsel for respondent No.1: Mr.A.Sanjeev Kumar,
Special Government Pleader

Counsel for respondent No.3: Mr.B.Narayana Reddy, Assistant Solicitor
General

Counsel for respondent No.4: Mr.K.Ramakanth Reddy

Counsel for respondent Nos.2 and 5: Mr.Adhi Venkateswara Rao

Counsel for respondent No.6: Mrs.K.Udayasri

The Court made the following:

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COMMON JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

W.A.No.581 of 2016 arises out of an interim order, dated 28.06.2016, in W.P.M.P.No.45216 of 2015, whereby the learned single judge declined to grant an interim order pending W.P.No.35190 of 2015.

2. With the consent of the learned counsel for all the parties, we have decided to dispose of W.A.No.581 of 2016 as well as W.P.No.35190 of 2015 together.

3. The issue raised in the writ petition is whether the appointment of respondent No.6 as the Principal and the Head of the Department of Pharmacy is in accordance with respondent No.2 university's Statutes and the All India Council for Technical Education (AICTE) norms.

4. During the hearing of the writ appeal on 02.08.2016, it has transpired that the University Statute has not prescribed any qualification for the post of the Principal. However, as per AICTE guidelines, a person with a minimum of 10 years experience in teaching/research/industry, out of which, at least 3 years shall be at the level of Professor or a person with a minimum of 13 years experience in teaching and/or research and/or industry, in case of research experience etc., is eligible to be appointed as the Principal and that technically speaking, respondent No.6 was eligible for being appointed as the Principal as he had minimum of 13 years experience in teaching. However, this Court felt that the alternative qualification prescribed by AICTE shall be considered only in case, the persons fulfilling the first mentioned criteria viz., minimum of 10 years experience in teaching/research/industry, out of which, at least 3 years shall be at the level of Professor, are not available. Considering the

fact that substantial tenure of respondent No.6 as the Principal has elapsed and he is hardly left with two months tenure as the Principal, we have adjourned the case to enable respondent No.2 university to file an appropriate affidavit to ensure that the Professors are not overlooked for appointment as the Principals by preferring the faculty members holding the posts of Assistant Professors such as respondent No.6. Accordingly, the Registrar of respondent No.2 university has filed an affidavit, dated 06.08.2016, wherein it is, *inter alia*, stated as under:

“I submit that henceforth the Principal of College of Pharmacy in the 2nd respondent University will be appointed among the qualified and competent Professors, who are having a minimum of 10 years experience in teaching/research/industry, out of which at least 3 years experience shall be at the level of Professor and if need be persons having minimum of 13 years experience in teaching and/or research and/or industry in case of research experience etc., will be appointed as per the norms prescribed by the AICTE. In the event, if a person having minimum of 13 years experience in teaching is being considered for appointment as a Principal, the University will ensure that the said person is not an in-service employee of the University.”

5. Mr.S.Satyam Reddy, learned senior counsel representing Mrs.K.V.Rajasree, learned counsel for the appellants/petitioners, while welcoming the aforementioned affidavit, however, has submitted that respondent No.6 is not eligible to hold the post of the Head of the Department of Pharmacy in view of the admitted fact that there are several Professors available and therefore, under Clause (1) of Statute No.2, respondent No.6, who is only an Assistant Professor, is not entitled to be appointed as the Head of the Department of Pharmacy.

This submission of the learned senior counsel is accepted by Mr.A.Sanjeev Kumar, learned Special Government Pleader representing the learned Additional Advocate General appearing for respondent No.1.

6. In the light of the aforementioned discussion, the affidavit of the

Registrar of respondent No.2 university is placed on record and considering the fact that respondent No.6 is left with only two months' tenure as the Principal, we are not inclined to set aside his appointment as the Principal. However, as respondent No.6 is not entitled to be appointed as the Head of the Department of Pharmacy, his appointment as such is set aside and respondent No.2 is directed to forthwith appoint the Head of the Department of Pharmacy strictly in terms of Clause (1) of Statute No.2.

7. The Writ Appeal and the Writ Petition, accordingly, stand disposed of.

8. As a sequel, miscellaneous applications pending in both the writ appeal and the writ petition shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

08th August, 2016

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