

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.2878 of 2014 & C.C.No.537 of 2015

COMMON ORDER

This writ petition was filed challenging the action of the 2nd respondent-University in not giving appointment order to the petitioner for the post of Assistant Professor, Civil Engineering Department under SC Quota in the second respondent-University on par with others.

While admitting the writ petition on 24.4.2014, this court granted interim direction to the 2nd respondent University to appoint the petitioner as Assistant Professor (Civil Engineering) on par with other selected candidates under the same notification. When the said order was not complied with, the petitioner filed C.C.No.537 of 2015.

Counter-affidavit is filed in the said contempt case stating that recommendation of the selection committee was not accepted by the Executive Council and in terms of the proviso to sub Section 5 of Section 19 of the Universities Act, 1991 and the matter was referred to the State Government for its decision and no orders are passed as on the date of filing of the counter-affidavit.

Today, when the matter is taken up for consideration, learned Government Pleader produced

before this Court a copy of the letter No.5480/UE/2016-1, dated 12.8.2016 addressed to the Registrar, Osmania University, Hyderabad, stating that decision of the Executive Council taken in its 131st meeting held on 18.1.2014 to issue re-notification for filling up the post of Assistant Professor of Civil Engineering in Group-III is confirmed by the Government.

In the absence of any challenge to the said decision of the Executive Council and that of the Government, the relief sought in this writ petition cannot be granted. Consequently, the contempt case cannot be prosecuted.

In the circumstances, the Writ Petition as well as the Contempt Case are dismissed. However, it is open to the petitioner to challenge the decision of the Executive Council and that of the Government dated 12.8.2016 confirming the decision of the Executive Council, if the petitioner is so advised. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

19th August, 2016
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