

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

[Special Original Jurisdiction]

TUESDAY THE FIRST DAY OF MARCH
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 17178 OF 2009

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Between:

B. Kumara Swamy ... Petitioner

V/s.

The Commissioner & Director of School Education
Hyderabad & Anr. ... Respondents

Counsel for the Petitioner : Sri G. Tuhin Kumar

Counsel for the Respondents: GP for Higher Education

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

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WRIT PETITION NO. 17178 OF 2009

ORDER:

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The petitioner prays for mandamus and the prayer reads thus:

“a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not considering the case of the petitioner to the post of Junior Lecturer [English] [Contract basis] on the ground that the certificate issued by the Kalinga University, Raipur, Chattisgarh which is de-notified after 2006 as illegal, arbitrary, untenable, violative of the provisions of Articles 14, 16 and 21 of the Constitution of India and consequently to direct the respondents to appoint the petitioner as Junior Lecturer [English] [Contract basis] on the basis of the certificate issued by the Kalinga University, Raipur, Chattisgarh.”

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2. The petitioner claims to have pursued B.Ed. from Magad University in the year 1998-99. On 28/07/2009 a notification for recruitment of Junior Lecturers on contract basis was issued by the respondents. The petitioner claims that he satisfies the educational qualification stipulated in the notification. The petitioner claims to have completed Post Graduation in M.A. [English] from Kalinga University, Raipur, Chattisgarh State. Admittedly, Kalinga University was de-recognised by the competent authority and by reference to subsequent de-recognisation, the case of petitioner is not considered and his application is not received by respondents. Hence, the writ

petition.

3. Sri G. Thuhin Kumar, learned counsel for petitioner vehemently contends that de-recognition, if any, subsequent to the completion of Post Graduation by the petitioner can't be considered. The University is not de-recognised for the period of petitioner's study. He prays for a direction to the respondents to consider the case of the petitioner for appointment as contract Lecturer.

4. This Court is of the view, the process initiated through notification dated 28/07/2009 could have been completed long ago. The petitioner relies upon subsequent withdrawal of de-recognition of Kalinga University by the competent authority. If that being the case, as and when fresh notification is issued and the petitioner applies afresh and his application is not considered or fresh cause of action arises and the petitioner can certainly approach this court for suitable remedy by impleading the University as well.

5. With the above observation, the writ petition is dismissed. No costs.

6. As a sequel, miscellaneous petitions if any, pending in

this Writ Petition shall stand closed.

JUSTICE S.V. BHATT

01/03/2016
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HONOURABLE SRI JUSTICE S.V. BHATT

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WRIT PETITION NO. 17178 OF 2009

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