

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.27647 of 2007

ORDER:

This writ petition is filed for a writ of *mandamus* directing the 1st respondent to treat the service of the petitioner from 21.07.2001 as experience in the rank of Professor in Veterinary Physiology Department of the Sri Venkateswara Veterinary University, Tirupati, and pay salary for the period with effect from 03.11.2000 and issue consequential directions that the petitioner is entitled to be treated as Professor from the said date for all practical purposes.

2. Learned counsel for the petitioner called absent. Heard the learned Standing Counsel for the 1st respondent and perused the material available on record.

3. On 30.04.2011 this Court passed an interim order in W.P.M.P.No.15210 of 2011, which reads as follows:

“This application is filed by the petitioner seeking to direct 1st respondent to permit him to appear for the interview to the post of Dean of Veterinary Science and to the post of Director of Research.

The main writ petition itself is filed by the petitioner seeking a writ of *mandamus* to direct the 1st respondent to treat the service of the petitioner 21.7.2001 as experience in the rank of Professor in Veterinary Physiology Department of Sri Venkateswara Veterinary University, Thirupathi and pay salary for the period w.e.f 03.11.2000 and issue consequential direction that he is entitled to be treated as Professor from the said date for all practical purposes to continue the petitioner in service without any artificial breaks.

Heard the learned counsel for the petitioner and the learned Standing counsel for the 1st respondent-University.

It is submitted by the learned counsel for the petitioner that during the pendency of the writ petition, the

University selected certain persons to the post of Dean/Director who joined the respective positions during the year 2008 and retired recently. Again, the University advertised these positions during April, 2010 vide Advt.No:1/RC/2010, dated 21.4.2010 and the petitioner has also submitted his application again for the position of Director of Research and the University re advertised the positions of Dean and Director etc. during April 2011 stating that the candidates who have applied earlier need not apply again. Now, the date of interview may be decided today or tomorrow and that now he is aged about 56 years and if he were denied the present opportunity, his career would be spoiled.

On the other hand, it is submitted by the learned Standing Counsel for the University that the 1st respondent may be directed to consider the case of the petitioner for allowing him for the interview in question, if he is otherwise eligible.

Considering the submissions made by both the counsel, the 1st respondent is directed to consider the case of the petitioner for the interview in question, if he is otherwise eligible.”

4. Admittedly the petitioner is aged about 53 years at the time of filing of the writ petition. After passing of the interim order, dated 30.04.2011, the petitioner has not approached the Court that he was denied permission to attend the interview as per the interim order passed by this Court. Therefore, nothing survives in this writ petition for adjudication and the same becomes infructuous.

5. Accordingly, the Writ Petition is dismissed as infructuous. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 14th October, 2016

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