

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.33165 of 2016

ORDER:

1. The petitioner was appointed as Assistant Professor (Electronics and Communication Engineering), Polytechnic College of the 1st respondent-University and was posted in Hyderabad by appointment order dated 21.05.2014 after due selection by the Selection Committee. His services were confirmed with effect from 17.06.2015 by proceedings dated 31.08.2015. While so, a show cause notice was issued by the 3rd respondent on 01.09.2016 stating that the petitioner was coming late to the college frequently. The petitioner submitted his reply on 06.09.2016 denying the allegation. However, no further action was taken against the petitioner. But, when an order of transfer was passed by the 2nd respondent on 20.09.2016 transferring the petitioner from Hyderabad to Darbhanga of Bihar State, the present writ petition was filed.

2. The learned Senior Counsel, Sri P.Gangaiah Naidu, appearing for the petitioner submits that the petitioner is transferred in the middle of the academic year and the transfer was effected with a *mala fide* intention of punishing the petitioner and it has to be seen in the light of earlier show cause notice issued on 01.09.2016.

3. The learned Standing Counsel for respondents 1 and 2 submits that not only the petitioner, several other teaching faculty were also transferred in order to strengthen the courses that are being conducted in Polytechnic College, Darbhanga and the transfer

was effected purely on administrative grounds. He further submits that the academic year has commenced only with effect from 1st August, 2016 and it cannot be said that the academic year had already commenced. He brought to the notice of this Court Section 11 of the Maulana Azad National Urdu University Act, 1996, which enables any aggrieved person to file an appeal against the action of the Vice Chancellor to the Executive Council within three months from the date of the order.

4. The order impugned in the present writ petition was passed on 20.09.2016. In view of the alternative remedy available in the statute of the University, liberty is given to the petitioner to avail alternative remedy of appeal to the Executive Council. The petitioner is given time of 48 hours for filing the requisite appeal before the Executive Council and it is open to the Executive Council to dispose of the same as expeditiously as possible, preferably within a period of 15 days thereafter. Till such time, the impugned order dated 20.09.2016 shall not be given effect to.

5. The Writ Petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

30-09-2016
Gsn