

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.17258 of 2014

ORDER:

The petitioners were selected and appointed as Assistant Professors in Biotechnology on adhoc basis in the respondent No.1 College. They joined service on 29.06.2007, 16.08.2010 and 01.10.2007 respectively. The petitioners state that their selection and appointment as Assistant Professors was done by the respondents 1 and 2 in terms of the A.I.C.T.E. Regulations pertaining to the qualification on the guidelines prescribed by the University Grants Commission and the norms for affiliation by respondent No.4. As the adhoc/contract appointments of petitioners were renewed from time-to-time, they have been rendering service since their date of initial appointment till 31.05.2014. It is also their case that pursuant to the notification issued in January, 2011 for filling up of the post of Assistant Professor in Biotechnology, the petitioners appeared before the Selection Committee, but no orders of appointment were issued. While so, when another notification was issued on 04.05.2013 calling for applications for regular appointment as Assistant Professors in Biotechnology Department, the petitioners were asked to submit their applications on the plea that the earlier notification issued by them in the month of January, 2011 was cancelled. Accordingly, they submitted their applications and underwent the process of selection. Respondent No.1 issued fresh appointment orders appointing the petitioners on adhoc/contract basis to be continued till

31.05.2014 holding that their further continuation would be depending upon the qualifications fixed by respondent No.3, but the petitioners were not allowed to continue after 31.05.2014. In those circumstances, they approached this Court by filing the present writ petition seeking regularisation as Assistant Professors in Biotechnology, pursuant to the notification dated 04.05.2013, on the ground that they have been working since 2007.

This Court, by order dated 25.06.2014, stayed the recruitment to the post of Assistant Professor in Biotechnology pursuant to the notification dated 04.05.2013 and the respondents 1 and 2 were directed to continue the petitioners as Assistant Professors until further orders. Seeking vacation of the said order, W.V.M.P.No.1937/2014 is filed by respondent No.1.

On filing the said vacate petition, the writ petition itself is taken up for consideration and the arguments were elaborately heard.

Though the learned Senior Counsel, Sri D.Prakash Reddy argued with regard to the right of petitioners to continue in service without undergoing the fresh process of selection, learned counsel for respondent No.1 submitted that the petitioners cannot be continued without fulfilling the qualifications prescribed by the A.I.C.T.E., as it will come in

their way of getting affiliation and recognition from the respondents 3 and 4.

In the light of arguments, the only point that remains for consideration is whether the qualification possessed by the petitioners can be considered to be a sufficient qualification for holding the post of Assistant Professor in Biotechnology or not?

Even after admitting the writ petition, there was no response from respondent No.3 with regard to the precise qualification to be held by the petitioners in order to hold the post of Assistant Professor in Biotechnology. Respondent No.1 filed a communication, addressed by respondent No.4 on 20.08.2013 in response to the letter of respondent No.1 dated 14.12.2011, stating that the qualifications for appointment of Assistant Professor in Biotechnology should be as per the A.I.C.T.E. norms. In spite of the said clarification, the norms of A.I.C.T.E. with regard to the qualifications and their application to the petitioners remained unsolved. In order to have continuous affiliation and recognition by the concerned authorities, respondent No.1 wanted to undertake recruitment as per the regulations of the A.I.C.T.E.

In view of the doubtful nature of the qualifications to be possessed by a candidate for continuation as Assistant Professor in Biotechnology, it is agreed by both the counsel that respondent No.1 shall address a letter to respondent No.3 within a period of two (2) weeks from the date of receipt of a

copy of this order. On receipt of the said letter, respondent No.3 shall communicate the qualifications to be possessed by a candidate to hold the post of Assistant Professor in Biotechnology in the institutions like respondent No.1 within four (4) weeks thereafter. After receipt of such communication from respondent No.3, respondent No.1 shall take appropriate action depending on the qualifications possessed by the petitioners. If the petitioners do not possess the requisite qualifications, respondent No.1 can go ahead with the notification for recruiting the required teaching faculty.

Learned Standing Counsel appearing for respondent No.3 submitted that as and when respondent No.3 receives a communication from respondent No.1, they would immediately respond. It is needless to observe that till communication is received from respondent No.3, respondent No.1 shall not go ahead with the notification.

In view of the above circumstances, with the above observations, this Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

30.09.2016
MVA