

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.21245 & 27053 of 2016

and

CONTEMPT CASE No.1562 OF 2016

COMMON ORDER:

These Writ Petitions are being disposed of by this common order along with C.C.No.1562/2016, as they relate to the notification dated 17.06.2016 published on 18.06.2016 inviting applications for walk-in interview for the Academic Consultants for the year 2016-17 in various departments of Arts and Science subjects.

The petitioners in W.P.No.21245/2016 have not been working in the respondent No.1 University as on the date of filing of the writ petition, whereas the petitioners in W.P.No.27053/2016 are working as the Academic Consultants. The petitioners, who have not been working in the respondent No.1 University, filed the writ petition mainly alleging that the notification is contrary to the law laid down by this Court, as it did not indicate the community-wise reservations in respect of each subject in the notification.

While examining the said issue, this Court called for the information from the learned counsel appearing for respondent No.1 and it is noticed that the University was established in June 2008 and 121 regular teaching and 64 non-teaching posts were sanctioned to the University. Out of the said sanctioned posts, 45 teaching and 48 non-teaching

posts were filled up on regular basis. There are 76 teaching and 16 non-teaching posts vacant as on 30.06.2016 and out of the said posts, 74 persons are working in teaching. In spite of 74 persons working and only 2 vacancies available, the present notification is issued inviting candidates for walk-in interviews for 84 posts.

While admitting W.P.No.21245/2016, this Court, by order dated 30.06.2016, granted stay of issuance of final orders of appointment pursuant to the walk-in interviews held in respect of the notification dated 17.06.2016 until further orders. Alleging non-compliance of the said order dated 30.06.2016, Contempt Case No.1562/2016 was filed. Seeking vacation of the said order dated 30.06.2016, respondent No.1 University filed the vacate petition in W.V.M.P.No.2688/2016.

In the normal course, the writ petitions can be allowed on the ground of non indication of roster points and absence of Selection Committee. But, in view of the irregular appointments already made and continuance of 74 teachers against 76 vacancies, keeping in view of the peculiar circumstances, this Court is not inclined to interfere with the notification.

It is stated by the learned counsel appearing for respondent No.1 that out of 74 persons, who are working, some persons did not possess the required qualification, and

the learned counsel for petitioners brought it to the notice of this Court the guidelines issued by the University Grants Commission (for short, 'the UGC') in February 2010 stating that the qualifications and selection procedure for Guest/Part-time teachers should be same as those prescribed for the regular teachers of Universities/Colleges in the UGC's Regulation. In view of this, there is no dispute with regard to the qualifications and the selection procedure to be applied for appointment of the Guest/Part-time teachers and the University intended to follow the same. Thus, there is agreement with regard to the procedure to be followed and for fulfilling the qualifications and appointment. In the circumstances, liberty is given to the respondent No.1 University to verify the qualifications of the existing teaching staff, who are working as on today, and issue orders not renewing the contract in respect of the teachers, who have not fulfilled the qualifications. While verifying the qualifications of the existing teaching staff, it is needless to observe that respondent No.1 shall indicate the criteria observed, to have transparency.

With regard to the rule of reservation to be followed, learned counsel for respondent No.1 produced before this Court the information with regard to the existing 74 teaching staff, who are working as on today, and their social status. Though the present notification is contrary to the law laid down by this Court, in view of the order passed now, the

entire selection process is not set aside and liberty is given to respondent No.1 to adjust the appointments in accordance with the rule of reservation applicable to the posts. The walk-in interviews, which are proposed, shall be confined to the vacancies arising out of the unqualified people, whose contracts are not renewed, subject to following the rule of reservation. In respect of the persons, who are qualified and continuing as on the date of notification, their contract shall be renewed. Since the academic year has already commenced, this Court made this arrangement intentionally in order not to disturb the services of teaching staff to the students. However, respondent No.1 shall take necessary steps for continuing the existing qualified teachers till permanent arrangements are made and the proposed recruitment shall be confined only in respect of the vacancies arising out of unqualified candidates and where there is need for more staff, subject to following the rule of reservation. If there is any violation of the arrangement or non renewal of contract even after possessing requisite qualifications, it is open to the aggrieved to approach this Court.

At this stage, learned counsel for the petitioners brought to the notice of this Court the appointment orders given to some Guest lectures on 21.07.2016 even after issuing the order of suspension, and the learned counsel for respondent No.1 submitted that the said persons are none other than the

persons, who are qualified and continuing as on the date of notification.

In view of the above, the appointment order of the Guest lecturers dated 21.07.2016 cannot be set aside, and it is left open to respondent No.1 to verify the qualifications of the existing faculty as aforesaid. However, in the subsequent years, it is made clear, that the respondent No.1 shall constitute a Selection Committee and select the candidates by clearly indicating in the notification, the vacancies and the Roster points against which the vacancies are sought to be filled.

With the above observations, Writ Petition Nos.21245 & 27053 of 2016 are disposed of.

In view of the disposal of the aforesaid Writ Petitions, no orders are required to be passed in W.V.M.P.No.2688/2016 and Contempt Case No.1562/2016, and accordingly the said vacate petition and Contempt Case are closed. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

20.09.2016
MVA