

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 22205 of 2016

Order:

This Writ Petition was filed challenging G.O.Rt.No.199, Higher Education (UE) Department, dated 05.07.2016, constituting the Search Committee consisting of three members for selecting Vice-Chancellor to JNAFAU. The said committee was constituted in exercise of the powers conferred under Schedule 1, Clause (1) of the Jawaharlal Nehru Architecture and Fine Arts University Act, 2008 as adapted to the Telangana State in G.O.Ms.No.28, Higher Education (UE) Department, dated 11.09.2015. The members of the committee are as follows.

1.	Prof. Suleman Siddique, Ex.Vice-Chancellor, Osmania University, Hyderabad.	Nominee of the Executive Council of Jawaharlal Nehru Architecture and Fine Arts University, Hyderabad.
2.	Prof. A.S. Brar, Vice-Chancellor, Guru Nanak Dev University, Amritsar.	Nominee of the U.G.C.
3.	Smt. Ranjeev R. Acharya, IAS., Special Chief Secretary to Government, Education Department, Telangana State Secretariat, Hyderabad.	Nominee of the State Government.

2. Learned counsel for the petitioners submitted that there is no fully constituted Executive Council for the Jawaharlal Nehru Architecture and Fine Arts University in Hyderabad and in the absence of any quorum in the Executive Council there cannot be any nomination by the said Executive Council. He further submits that against the nominee of the State Government bias was attributed by the first petitioner and in view of the same the said nominee cannot function as member of the Search Committee.

3. Learned Government Pleader appearing for the learned Additional Advocate-General fairly conceded with regard to irregularity of the nomination by the Executive Council in view of the decision of this Court in

Gowda Rajender v. Dr. M. Radha Krishna^[1]. Learned Government

Pleader fairly accepted for replacement of nominee of the State Government without going into the allegations of bias.

4. Section 7 of the Jawaharlal Nehru Architecture and Fine Arts University Act, 2008, provides for appointment of Vice-Chancellor by the Chancellor in the manner specified in the Schedule. The Schedule provides for constitution of Search Committee for appointment of Vice-Chancellor. The said Search Committee shall consist of a nominee of the Executive Council; (2) a nominee of the University Grants Commission and (3) a nominee of the State Government. Though the other nominees are available, the nominee of the Executive Council cannot be made in view of the lack of quorum to the Executive Council existing for the University. There is an urgent need for appointment of Vice-Chancellor in view of the order of the Division Bench of this Court in WP (PIL) No.43 of 2016 and batch, dated 20.04.2016.

5. In the circumstances, with the consent of the learned counsel for the petitioners as well as the learned Government Pleader the following consent order is passed by setting aside the G.O.Rt.No.199, Higher Education (UE) Department, dated 05.07.2016.

6. In view of the consensus expressed by both the counsel and also in exercise of the extraordinary power of this Court, this Court thinks that this Court can suggest appointment of a neutral person as a nominee of the Executive Council in order to meet the ends of justice. Accordingly, this Court directs the Government to request Mr. Justice P. Swaroop Reddy, a former Judge of this Court, who is functioning as Chairman of the Telangana State Admission Fee Regulatory Committee (TSAFRC), to be a nominee of the Executive Council in view of the exigency and the nominee of the UGC shall be the same nominee whose name was mentioned in G.O.Rt. No.199, Higher Education (UE) Department, dated 05.07.2016. However, with regard to nominee of the State Government, the State Government is given liberty to nominate its nominee in order to constitute the Search Committee.

7. Accordingly, the Writ Petition is allowed and the Government is

given liberty to constitute the Search committee as indicated above, after obtaining consent of Mr. Justice P.Swaroop Reddy. There shall be no order as to costs.

8. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 19.07.2016
Nsr

RAMALINGESWARA RAO, J

[\[1\]](#) 2015(3) ALT 381(DB)