

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.3583 OF 2012

ORDER:

The petitioner prays for Mandamus declaring the selection and appointment of respondents 3 and 4 to the posts of Assistant Professor, (C & I Department i.e., Computer and Informatics) in the 1st respondent University, as illegal and contrary to notification No.25/11 dated 27.11.2011.

The present writ petition was heard along with W.P.Nos.36581, 37714 & 38240 of 2013 and on the request of contesting parties, having regard to the present prayer, this writ petition is disposed of by this order.

The circumstances for filing the present writ petition are not in dispute and stated thus:

The petitioner in response to Notification No.25/11 dated 27.11.2011 applied for the post of Assistant Professor, (C & I) in the 1st respondent University. The petitioner claims to possess all the qualifications required, including Ph.D from University of Hyderabad for applying to the post notified by respondent. The petitioner in this writ petition challenges selection and appointment of respondents 3 and 4 primarily on the ground that these candidates do not possess qualifications viz., NET certificate and Ph.D., and, therefore, the appointment of respondents 3 and 4 is contrary to the notification.

Respondent No.4 in the present writ petition did not apply for Assistant Professor, Computer & Informatics Department. His appointment is in CS & IT Department. Therefore, the petitioner

cannot have any grievance against consideration and appointment of 4th respondent. Apart from this circumstance, from Notification No.25/11 dated 27.11.2011, it is clear that respondent University has power to relax qualifications. Condition No.4 from General Information in the notification reads thus:

“The University will have the right to relax any of the qualifications, experience and age, except those relating to the knowledge of Urdu, in deserving cases for all the posts”.

The Selection Committee constituted for shortlisting the applications for reasons recorded relaxed the condition of having Ph.D or NET. The Selection Committee interviewed the candidates and thereafter recommended to Executive Council for appointment of respondents 3 and 4. The appointments have been ratified by the Executive Council and thereafter appointment orders were issued.

For the two reasons viz., firstly that the University has power to relax qualifications and secondly that the 4th respondent applied for appointment in a different department, I do not see reason to consider the writ prayer. The petitioner has urged only one point which is considered and rejected.

The writ petition fails and is, accordingly, dismissed. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, stand closed.

S.V.BHATT, J

22nd September, 2017
Lrkm