

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT.JUSTICE T. RAJANI

Writ Appeal No.1047 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the interlocutory order passed by the learned Single Judge in W.P.M.P. No. 37593 of 2016 in W.P. No. 30382 of 2016 dated 27.6.2017. A notification was issued by the appellant-Institute for appointment of an ad-hoc faculty members for a period of one year. Recruitment for the year 2015-16 resulted in the 1st respondent-writ petitioner being appointed as an ad-hoc faculty member from 26.8.2015 to 31.5.2016, and his services being extended thereafter upto 15.7.2016.

Another notification was issued for appointment of ad-hoc faculty. Four candidates were appointed as ad-hoc faculty members for the Department of Chemistry which included the 2nd respondent and three others. The 1st respondent-writ petitioner was not appointed. Questioning the process of selection, and contending that the action of the appellant-Institute in giving preference to candidates from the reserved category was illegal, the 1st respondent-writ petitioner invoked the jurisdiction of this Court. The action of the appellant-Institute, in making appointment on ad-hoc basis, was also put in issue. The 2nd respondent was appointed as an ad-hoc faculty member from 28.7.2016 to 30.4.2017. His services were extended upto 31.5.2017, and was discontinued thereafter. A fresh notification was issued for appointment of ad-hoc faculty members for the year 2017-2018 on 23.6.2017. While the 1st respondent-writ petitioner also submitted his application, he chose not to appear for the interview held on 14.7.2017.

While Sri T. Mahender Rao, learned counsel for the appellant, would submit that the 1st respondent-writ petitioner, having failed to participate in the interview for appointment as an ad hoc faculty member, cannot now contend that he should be continued in service, Dr. P.B. Vijay Kumar, learned counsel for the 1st respondent-writ petitioner, would submit that, since the 1st respondent-writ petitioner was directed by the Learned Single Judge to be appointed as an ad-hoc faculty member in Chemistry, his participation or otherwise in the interview is of no consequence.

It is not in dispute that the notification issued by the appellant-Institute was for appointment of ad-hoc faculty members. The 1st respondent-writ petitioner submitted his application for being appointed as an ad-hoc faculty member, and was initially appointed as such. It is not as if the 1st respondent-writ petitioner was made to believe that his appointment as a faculty member would be on a regular basis, and was thereafter appointed on an ad-hoc basis. If he was of the view that appointment should not be made on an ad-hoc basis, it was always open to him not to participate in the selection process. Having participated in the selection process for being appointed as an ad-hoc faculty member for a period of one year, the 1st respondent-writ petitioner cannot now be heard to contend that the action of the appellant-Institute, in appointing faculty members on an ad-hoc basis, is illegal. In any event, the question whether the appellant was justified in appointing faculty members on an ad-hoc basis, or whether they are obligated in law to appoint faculty members only on a regular basis, necessitates examination when the writ petition is finally heard.

Unless and until the action of the appellant-Institute, in appointing faculty members on an ad-hoc basis, is declared illegal, the 1st respondent-writ petitioner is not entitled to continue beyond the

period for which he was appointed pursuant to the notification. The order of the learned Single Judge, in directing that he be appointed on an ad hoc basis till regular selections are made, is set aside. Needless to state that appointment of ad-hoc faculty members for the year 2017-18 shall be subject to the result of the writ petition.

The writ appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

28th July, 2017
pnb



(T. RAJANI, J)

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT.JUSTICE T. RAJANI



Date: 28.7.2017

pnb

