

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT APPEAL No.432 of 2017

Date:23.8.2017

Between:

The State of Telangana, reple by its
Secretary to Government,
Higher Education Department, Hyderabad
and another.

..... Appellants

And:

Mrs. Shajia Farhat,
W/o Syed Mubeen Ahmed and
three others.

.....Respondents

Counsel for the appellants: GP for Higher Education (TS)

Counsel for respondent No.1: Mr. Kasa Jaganmohan Reddy

Counsel for respondent No.2: Mr. D.L.Pandu

Standing Counsel

The Court made the following:

JUDGMENT: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The Government of Telangana and the Director of Intermediate Education, Telangana, filed this Writ Appeal feeling aggrieved by order, dated 22.01.2016, in Writ Petition No.16961 of 2001.

In pursuance of the notification issued by respondent No.3 inviting applications for the posts of Junior Lecturers in Political Science, Arabic and Hindi, respondent No.1 applied for the post of Junior Lecturer in Hindi. Out of 13 candidates who were called for interview, 9 candidates appeared and 3 candidates, including respondent No.1, were selected as Junior Lecturers in respondent No.3-College. In pursuance of the permission granted by appellant No.2 on 01.8.1998, respondent No.3, a minority educational institution, issued appointment order, dated 23.10.1998, to respondent No.1 and she has, accordingly, reported to duty on the said date. Respondent No.3, vide his proceedings, dated 26.10.1998, informed appellant No.2 that respondent No.1 was selected as Junior Lecturer in Hindi by a duly constituted Internal Selection Committee, which included a subject expert, and requested for approval of the same. But, as her appointment was not approved by appellant No.2, she has filed Writ Petition No.16961 of 2001. During the pendency of the said Writ Petition, respondent No.4, who also appeared for

the interview along with respondent No.1 and others, but was not selected, filed WPMP.No.2658 of 2004 for impleading him in the said Writ Petition and the said application was allowed by order, dated 22.3.2004.

The appellants have filed a counter-affidavit in the said Writ Petition, wherein it was averred that as per Clause-8 of G.O.Ms.No.526, dated 21.12.1988, respondent No.3 was free to constitute a Staff Selection Committee on the lines prescribed by the Government for other private educational institution or to adopt Staff Selection Committee of their own choice, with or without a Government nominee, but with a subject expert, and that, in the latter case, the Management will not be eligible for financial aid from the Government. It was further averred that as respondent No.3-Management has been receiving financial aid from the Government, constitution of a Selection Committee without a Government representative is not in accordance with G.O.Ms.No.526 and therefore, the appointment of respondent No.1 was not approved.

In the impugned order, the learned single Judge has taken note of the fact that the persons who were appointed as Junior Lecturers in Political Science and Arabic in respondent No.3-College have filed Writ Petition No.5392 of 2001 and subsequently, as their appointment was approved by the

appellants, vide proceedings, dated 21.12.2002, the said Writ Petition was closed as, there was no need for adjudication of the same on merits. After taking note of the submission of the learned counsel for respondent No.1 that Clause-8(1) of G.O.Ms.No.526, dated 21.12.1988, prescribing the condition of a Government nominee to be included in the Selection Committee of the minority educational institution, is contrary to the judgment of the Supreme Court in *Sindhi Education Society Vs. Govt. (NCT of Delhi)*¹, the learned single Judge without rendering any finding thereon, however, allowed the said Writ Petition on the sole ground that when the appointment of Junior Lecturers in Political Science and Arabic was approved by the appellants, respondent No.1 cannot be denied the same benefit and that, there cannot be any disparity in treatment among the candidates similarly situated.

Learned Government Pleader for Higher Education (Telangana) did not dispute the fact that the other two persons who were appointed as Junior Lecturers in Political Science and Arabic also faced the selection process by the same Selection Committee, which has selected respondent No.1.

When the appellants themselves have approved the selection of the other two persons, meting out a differential treatment to respondent No.1 constitutes patent arbitrariness

¹ (2010) 8 SCC 49

and discrimination. The learned single Judge has rightly allowed the said Writ Petition and we, therefore, do not find any reason to interfere with the impugned order.

The Writ Appeal is, accordingly, dismissed.

As a sequel to dismissal of the Writ Appeal, WAMP.No.903 of 2017 is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE M.S.K.JAISWAL

23rd August 2017

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