

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition Nos. 38102 and 38830 of 2017

Common Order:

Heard learned counsel for the petitioners and learned Standing Counsel for the respondent University.

These two Writ Petitions are being disposed of by this common order, as the issue involved in both the Writ Petitions is the same.

The petitioners applied for the post of Assistant Professor/Teaching Assistant on contract basis pursuant to the notification dated 12.05.2017. The notification related to the appointment of qualified candidates for Computer Science, Mathematics, Electronics and Communications, Economics, Statistics, Chemistry, Bio-Chemistry, Botany, Zoology, Bio-Technology, Physics, English, Management and Telugu. Pursuant to the applications of the petitioners, the petitioners were interviewed by the selection committee from 14.06.2017 to 19.06.2017 and orders of appointment were issued to the petitioners on 22.06.2017. They submitted joining report on 28.06.2017. It appears that some unselected candidates filed W.P.No.21260 of 2017 challenging the notification on various grounds and sought stay of the notification on the ground that the candidates are likely to join the office. A learned single Judge of this Court granted interim stay of the notification initially by order dated 29.06.2017 and, subsequently, by a further order dated 26.07.2017 suspended the appointment orders issued to the selected candidates on the ground that the regular posts were sanctioned and the selection process for the regular posts is due to be taken up. Some of the candidates who joined duty pursuant to the selections as aforesaid filed W.A.No.1209 of 2017 against the interim order passed by the learned single Judge and the Division Bench of this Court suspended the interim

order passed in W.P.No.21260 of 2017 dated 26.07.2017 to the extent of suspending the appointment orders in W.A.M.P.No.2249 of 2017 in W.A.No.1209 of 2017 dated 30.10.2017. As stated above, the petitioners herein joined duty on 28.06.2017 i.e., prior to the interim order passed by the learned single Judge. Since the respondent was allowing only the candidates who approached this Court and obtained the above order in the Division Bench and not allowing the other petitioners to join duty though they were joined duty prior to the stay orders dated 29.06.2017, they filed the present Writ Petitions.

Though time was granted to the learned Standing Counsel for the respondent on 14.11.2017, learned Standing Counsel for the respondent did not file any counter, but merely stated that the respondent is in the process of permitting the petitioners to take up their duty.

Since the facts in the instant case are very clear and the petitioners were allowed to join duty much prior to the stay orders granted by a learned single Judge, they are entitled to continue their services, more so when the orders passed by the learned single Judge were suspended by the Division Bench of this Court. However, their continuance shall be subject to further orders to be passed in W.P.No.21260 of 2017 and W.A.No.1209 of 2017. It is open to the petitioners to implead themselves in the pending Writ Petition, if they so choose.

Both the Writ Petitions are, accordingly, allowed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in these Writ Petitions shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 21.11.2017
Nsr