

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.8592 OF 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Higher Education (A.P.) appearing for respondent No.1 and Sri K.Jyothi Prasad, learned Standing Counsel appearing for respondent Nos.2 and 3/Andhra University apart from perusing the material available before this Court.

2. The respondent University invited applications from the eligible candidates for admission through Andhra University Research Common Entrance Test (AURCET) - 2017 into M.Phil (Full-Time/Part-Time)/Ph.D. Programme (Full-Time/Part-Time) in the subject areas indicated in Annexure - I attached thereto for the year 2017. The petitioner herein, who is presently working as a Constable in the Department of Home, also responded to the said notification. The respondent University issued a hall ticket in favour of the petitioner herein and the examination was held on 16.09.2017 and the results were also declared on 20.10.2017. In the list of candidates called for oral interview/test and certificate verification, the name of the petitioner also finds place at serial No.8 under S.C. quota. According to the learned counsel for the petitioner, on the dates shown in the said list, both oral test as well as certificate verification were done on 28.10.2017 and 29.10.2017 respectively. In the above background, the present writ petition is filed questioning the action of respondent Nos.2 and 3 in not allotting the seat to the petitioner in Ph.D (Part Time) for Yoga and Consciousness Course.

3. Today, when the matter is taken up, on instructions, it is submitted by the learned Standing Counsel that the petitioner herein is admittedly asking for allotment in Part Time quota and as

per Clause VIII of the Admission Information Brochure, the petitioner herein is not eligible for the subject course.

4. On the other hand, it is submitted by the learned counsel for the petitioner that having received the application filed by the petitioner herein, and having issued a hall ticket and having undertaken the certificate verification, there is absolutely no justification on the part of the respondents in denying the seat to the petitioner herein.

5. It may be appropriate to refer to Clause VIII of the Admission Information Brochure issued by respondent No.3, which deals with the admission procedure. Sub Clause (2) of Clause VIII of the said brochure, which deals with the eligibility criteria for Ph.D (Part Time) reads as under:

Programme	Admission Criteria
Ph.D. Part-Time	Admission into part-time Ph.D. will be made on the basis of AURCET-2017 Rank in the respective categories. The final ranking of AURCET-2017 will be evaluated based on the marks obtained in the written test and service weight age. (a) Regular Faculty working in the University or the A.U. P.G. centers. (b) (i) Faculty working in Post graduate and Professional colleges having completed a minimum service of two years. (ii) Faculty/Librarians/Asst. Librarians working in affiliated degree/PG colleges and Faculty teaching physics, chemistry, mathematics and humanities in professional colleges, having completed a minimum service of three years. (iii) Faculty working in Polytechnic/Government or Private aided Junior colleges having completed at least four years of service. (c) Technical employees working in research institutes attached to Andhra University/Non-Teaching employees of Andhra University, A.U. P.G. Centers, having completed at least five years of service. (d) 25% extra seats (in part time Research) in each department are allocated for Executives/Administrators having completed at least 5 years of service, out of which at least two years with requisite qualifications in Govt./Quasi Govt./Legal/Public sector organizations/Public Ltd./Private Limited companies with a turnover not less than 50 crores.

6. According to the learned counsel for the petitioner, the above said clause has no application to the petitioner herein and the petitioner is completely eligible to secure the seat in Ph.D. (Part-Time).

7. While referring to the above mentioned clause, it is submitted by the learned Standing Counsel that only such of the candidates, who are indicated in the said clause, are eligible to get seat in Ph.D. (Part-Time) and in the absence of any challenge as to the said clause, the petitioner herein is not entitled for any relief from this Court.

8. A reading of the above clause clearly discloses that only certain categories of people are entitled for a seat in Ph.D. (Part-Time). Admittedly, the petitioner herein does not fall under anyone of the categories mentioned supra. Therefore, this Court does not find any merit in the writ petition.

9. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

10. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 16.3.2018
AMD

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



WRIT PETITION No.8592 OF 2018

Date: 16.3.2018

AMD