

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal No.572 of 2018

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

Heard Sri K.Ananda Rao, learned counsel for the appellant-writ petitioner, and Sri K.Jyothi Prasad, learned Standing Counsel for the Andhra University and, with their consent, the Writ Appeal is disposed of at the stage of admission. This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.8592 of 2018 dated 16.03.2018. The appellant herein filed the said Writ Petition seeking a mandamus to declare the action of the Andhra University, and its Director of Admissions, in not allotting a seat to him in Ph.D (Part Time) for Yoga and consciousness Course, as per the merit in Andhra University Research Common Entrance Test (AURCET-2017) in S.C Quota, as illegal, arbitrary and contrary to Articles 14 and 16 of the Constitution of India.

A notification was issued by the Andhra University inviting applications from eligible candidates, through the Andhra University Research Common Entrance Test into M.Phil (Full-Time/Part-Time)/Ph.D. Programme (Full-Time/Part-Time), in the subject areas indicated in Annexure-I, for the year 2017. Serial 56 at Annexure I relates to the subject of Yoga & Consciousness for which the eligibility criteria prescribed is a two year M.A. in Yoga & Consciousness from Andhra University or two year M.A./M.Sc. in Yoga from any other University recognised by UGC.

It is not in dispute that the appellant-writ petitioner possesses a two year Masters Degree in Yoga & Consciousness from the Andhra University itself. While he appeared in the written test and, on being successful, also appeared for the interview, he was later denied

admission on the ground that he did not fulfil the requirement of being a Member of the Faculty in any of the categories mentioned in the notification.

The prospectus issued by the Andhra University stipulates that admission into part-time Ph.D course would be made on the basis of the rank in AURCET-2017 in the respective categories and the final ranking of AURCET-2017 would be evaluated based on the marks obtained in the written test and service weightage. Weightage is given under Clauses (a) to (d) which read as under:

- (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 organisations/Public Ltd./ Private Limited companies with a turnover not less than 50 crores.

The appellant-writ petitioner does not, admittedly, satisfy the requirement of being a Faculty Member under any of the aforesaid categories. He is working as a Police Constable and would rely on the

certificates issued by the Commissioner of Police, Visakhapatnam dated 11.07.2017 and the Additional Deputy Commissioner of Police (Admn.), Visakhapatnam dated 28.02.2017.

While the Commissioner of Police, in his certificate, has merely stated that the appellant-writ petitioner is working in the Police Department since 03.07.2000, and the certificate was being issued for the purpose of studying Ph.D on distance education in his leisure period without hindrance to his normal official duties, the certificate issued by the Additional Deputy Commissioner of Police (Administration) is to the effect that the appellant-writ petitioner was a Yoga Faculty working in the Police Department and was taking up regular Yoga teaching classes in the City Police Training Center since 2014 viz, Refresher Course Training, PPT Training etc.

The certificates do not even disclose that the appellant-writ petitioner is a Member of the Faculty of the Police Training College. The appellant-writ petitioner is a Police Constable who is possibly taking up Yoga Classes at the Training Center. The certificate issued by the Additional Deputy Commissioner of Police does not fulfil the requirement of being a Member Faculty in any of the categories aforementioned. In the order under appeal the Learned Single Judge has held, rightly so, that, since the appellant-writ petitioner did not fall in any of the specified categories, he was not entitled to claim the benefit of admission to the Ph.D course (part time), more so when the validity of the said clause in the notification was not subjected to challenge. In an intra-court appeal, under Clause 15 of the Letters Patent, interference is justified only if the order under appeal suffers from a patent illegality. We find no such infirmity in the order under appeal.

The Writ Appeal fails and is, accordingly, dismissed.
Miscellaneous petitions pending, if any, shall also stand dismissed.
There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

06th April, 2018
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Date: 06.04.2018