

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.18690 OF 2003

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No.E.III(5)/2003, dated 18.08.2003, whereunder the first respondent appointed the 3rd respondent as Helper in Engineering Department, S.V.University, Tirupati, and action of the 2nd respondent in selecting the 3rd respondent as Helper in Engineering Department, S.V.University, Tirupati, as illegal, improper, unjust and without jurisdiction and further declare that the petitioner is entitled to be appointed as Helper in Engineering Department, S.V.University, Tirupati, and pass such other order or orders in the interests of justice.”

Heard Sri P.Krishna Reddy, learned counsel appearing for the petitioner and Smt V.Hima Bindu, learned Standing Counsel appearing for the respondent-University.

Learned counsel appearing for the petitioner submits that pursuant to the notification issued by the respondent-University, the petitioner has applied; that though the petitioner is fully eligible and qualified to be appointed as Helper in the Engineering Department of the respondent-University, ignoring his case, the respondent-University had appointed the 3rd respondent; that during pendency of the writ petition, the 3rd respondent had expired and hence, a clear vacancy of helper had arisen; and that a direction may be issued to the respondent-University to appoint the petitioner in the existing vacancy of helper.

Learned Standing Counsel appearing for the respondent-University submits that the respondent-University cannot straight away appoint the petitioner and it is the role of the Selection

Committee to appoint any candidate; that whenever a regular vacancy had arisen in the cadre of Helper, the same will be advertised and that the petitioner can apply for the same and his case will be considered in accordance with the Rules.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if a direction is given to the petitioner to submit a representation to the respondent-University.

Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation to the respondent-University within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondent-University shall consider the same, without insisting on the age limit, in accordance with Rules, if he is otherwise eligible, and pass appropriate orders within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

22nd November, 2018
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