

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 5790 of 2002

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to issue a writ of mandamus declaring the action of the 2nd respondent in appointing the 4th respondent as Assistant Professor in Civil Branch under B.C.(B) Women Category vide order dated 13.11.2000 as illegal and arbitrary. A consequential direction is also sought to appoint the petitioner as Assistant Professor in Civil Branch under B.C.(B) Women Category.

2. Heard Smt. T.K. Anuradha, learned Counsel for the petitioner, learned Government Pleader for Higher Education and Sri M. Ratna Reddy, learned Counsel for the 4th respondent.

3. It is the case of the petitioner that pursuant to the advertisement No.C3/2/2000 dated 03.06.2000, issued by the 2nd respondent University for filling up of the posts of Associate Professors and Assistant Professors, she applied for the post of Assistant Professor in civil Engineering Branch and appeared for the screening test conducted on 10.11.2000, and basing on the performance in the screening test, the 2nd respondent prepared a merit list of the candidates, and in the merit list prepared for the

posts of Assistant Professor in Civil Engineering, which are reserved for B.C.(B) Women Category, her name stood at serial No.3 whereas the name of the 4th respondent stood at serial No.2. While so, the 2nd respondent appointed the 4th respondent as Assistant Professor in Civil Engineering Branch in B.C. (B) Women Category vide impugned proceedings, though she failed to comply with the recruitment instructions. Questioning the same, the present writ petition has been filed.

4. The 2nd respondent University filed a counter denying the averments made in the writ affidavit and contending that basing on the recommendation of the previous employer-3rd respondent herein, of the 4th respondent, the 4th respondent was permitted to appear before the Selection Committee, even though she had not submitted NOC at the time of interview. After being selected, the 4th respondent reported for duty as Assistant Professor in Civil Engineering, to the Principal, JNTU College of Engineering, Kakinada on 30.11.2001, and sought extension of time for submission of the relieving certificate from the 3rd respondent. Thereafter, the 4th respondent produced the relieving order issued by the 3rd respondent subject to the condition that she should be bound by the conditions that may be imposed by the 3rd respondent. Therefore, the writ petition is liable to be dismissed.

5. The 4th respondent filed a counter denying the averments made in the writ affidavit and contending that through proper channel she had submitted application for the post of Assistant Professor (Civil Engineering) in the prescribed format to the 2nd respondent, in response to the advertisement, and the same was forwarded by the 3rd respondent to the 2nd respondent giving acceptance for her joining in the 2nd respondent University, if she is selected. After her selection to the post of Assistant Professor, she submitted resignation letter on 16.11.2000 to the 3rd respondent with a request to accept her resignation to the post of Deputy Executive Engineer (R&B) and joined duty as Assistant Professor in the 2nd respondent University on 30.11.2000. It is also contended that the 3rd respondent accepted her resignation vide proceedings dated 01.12.2001. In view of the above, the petitioner has no locus standi to question her selection and the writ petition is liable to be dismissed.

6. This Court has considered the submissions made by both the parties and perused the material available on record. It is the contention of the petitioner that the 4th respondent was illegally appointed even though she had not submitted NOC at the time of interview. But the fact remains that the 4th respondent had applied through proper channel after informing her previous employer, and she had joined as Assistant professor in Civil Engineering after

tendering her resignation to her previous employer and after being relieved by her previous employer. Therefore, this Court is of the view that the 2nd respondent has not committed any illegality in appointing the 4th respondent. There are no merits in this writ petition.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

ABHINAND KUMAR SHAVILI, J

Date: 23rd August, 2018
Nn



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