

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL No.1483 of 2018

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

The petitioner in W.P.No.38900 of 2018 is the appellant. Her prayer in the said writ petition was to declare the prescription of the upper age limit of 42 years in the Notification dated 10.10.2018 issued by the Acharya N.G.Ranga Agricultural University, Guntur, as illegal. By way of I.A.No.1 of 2018 filed therein, she sought suspension of the impugned prescription and a consequential direction to permit her to participate in the selection process. By order dated 30.10.2018, a learned single Judge of this Court observed as under:

“Sri M.Sree Rama Murthy takes notice on behalf of respondent.

Any appointments made to the post of Assistant Professor in Agriculture in the respondent-University pursuant to the impugned notification shall be subject to further orders in the I.A.

Post the I.A after three (03) weeks.”

Aggrieved by the fact that she was not permitted to participate in the selection process, the petitioner filed this appeal.

Sri N.Sriram Murthy, learned counsel for the respondent-University, would seek to justify the prescription of the upper age limit of 42 years on the ground that many candidates who completed their Post Graduation more than a decade ago would appear in the interview for selection and appointment to the post of Assistant Professor and as they would not be updated with the latest developments in their disciplines due to this time lag, selection of such candidates might obstruct the career prospects of the new generation.

However, we find no logic or rationale in this argument as even candidates who are 42 years of age would have completed their academic pursuits long ago and the same reasoning would also apply to them. That apart, there is no explanation forthcoming as to how the upper age limit has been arbitrarily prescribed at 42 years.

Though Sri N.Sriram Murthy, learned counsel, would state that the Tamilnadu Agricultural University also prescribed an upper age limit for recruitment to the post of Assistant Professor in its service, we find that the said University prescribed an age bracket of 18 to 35 years. Multiples of 5 at least have some rationale and prescription of an upper age limit of 35 or 45 would perhaps have some reasonable foundation. However, we find no acceptable logic in prescribing an upper age limit of 42 years. These aspects would have to be considered in the main writ petition which is still pending consideration. However, at this stage, if the appellant-writ petitioner is not even permitted to participate in the selection process, her case would be rendered purely academic and would serve her no purpose or benefit.

Considering the balance of convenience and in the interest of justice, we direct the respondent-University to permit the appellant-writ petitioner to participate in the selection process for the post of Assistant Professor in Agriculture, pursuant to the Notification dated 10.10.2018. The results of the said selection shall be made known to the learned Judge in the pending writ petition by the respondent-University before making an appointment to the post of Assistant Professor in Agriculture.

The Writ Appeal is disposed of with the above directions.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

Dt: 09.11.2018

Note: Issue C.C by 12.11.2018.

JSU