

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
&
HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL No.1564 OF 2017

JUDGMENT: (per Hon'ble Sri Justice Abhinand Kumar Shavili)

1. This writ appeal is filed challenging the order dated 29.8.2017 passed by the learned single Judge in W.P.No.26540 of 2017.

2. Heard Sri N. Sriram Murty, learned Counsel for the appellant- Acharya N.G. Ranga Agricultural University and the learned Government Pleader for Education (Andhra Pradesh) for the 2nd respondent and Sri Venkat Reddy Chittam and M. Raja Vara Prasad, learned Counsel for the 1st respondent-writ petitioner.

3. Brief facts of the case are as follows:

(i) The 1st respondent-writ petitioner filed W.P.No.26540 of 2017 challenging the action of the appellant in not issuing the interview call letter to him in spite of submission of all the relevant educational qualification certificates as required in the recruitment notification No.5/RC/2016, dated 25.9.2016 for the post of Assistant Professor Cadre for Agricultural Business Management, as illegal and arbitrary, and consequently, to direct the appellant herein to conduct the interview of the writ petitioner to the said post.

(ii) It is the case of the writ petitioner that he completed B.Sc., Agriculture from S.V. Agricultural College and later completed MBA, two years full time course and thereafter, Ph.D from S.V. University, Tirupathi (full time) with course work. While so, the appellant issued notification bearing Advt.No.5/RC/2016, dated 25.9.2016 inviting applications for the cadre post of Associate Professor and Assistant Professor. As per the said

notification, only one post is earmarked for OC General for Assistant Professor for Agricultural Business Management. As per the eligibility specified in the notification, the candidate must possess a Bachelor Degree in Agriculture and a Master Degree in Agriculture Management/Business Administration with atleast 55% marks or its equivalent grade. The National Eligibility Test (NET) can be exempted for the candidates holding Ph.D. degree, provided it has been done with course work as prescribed by UGC Regulations, 2009. Pursuant to the said notification, the writ petitioner made an application duly complying with all mandatory requirements and enclosing his certificates. Thereafter, interview was held on 29.7.2017 for the post of Assistant Professor for Agricultural Business Management. Though the petitioner possessed required qualifications for the post of Assistant professor, no call letter was sent to him on par with others. Aggrieved by the same, the writ petitioner filed the writ petition.

(iii) The appellant herein filed counter-affidavits in the writ petition stating that as per the notification, the candidate has to submit two full length publications having NAAS rating not less than four on the last date of submission of application. The journals submitted by the petitioner are not equal to that of two full length publications and therefore, the writ petitioner is not entitled to be considered. It is stated that after verifying the notification in the University website, the appellant noticed a typographical error in the first paragraph of the detailed instructions and as such, the University made a correction and replaced the new notification in the place of old notification immediately.

(iv) The learned single Judge having considered all the material on record and the submissions by both the Counsel, disposed of the writ petition directing the appellant to issue call letter to the writ petitioner and to conduct interview to the writ petitioner for the post of Assistant

Professor for Agricultural Business Management. It is further directed that if the writ petitioner comes up within the zone of consideration along with other candidates, the appellant shall take further action as per UGC guidelines, 2009. The appellant is further directed not to declare the results till the case of the writ petitioner is considered.

(v) Challenging the order of the learned single Judge, the present appeal has been filed by the appellant-University.

4. Learned Counsel for the appellant submits that in the notification it was specifically mentioned that the candidate should have one publication in NAAS referred journal for the post of Assistant Professor along with NET and for the post of Assistant Professor in Agricultural Business Management, the candidate should have at least two full length publications having a NAAS rating not less than four as on the date of submission of application along with valid Ph.D. course work and that the writ petitioner has not qualified NET and has not possessed publications in NAAS rated referred journal along with valid Ph.D with course work so as to claim exception for NET. He further submits that Ph.D. course done by the writ petitioner is not related to the course notified in the notification and that as the writ petitioner has no requisite qualifications, he was not called for interview and that the learned single Judge erred in considering all the above aspects.

5. The learned Counsel for the 1st respondent submits that the contention of the appellant that every candidate must possess atleast two full length publications having NAAS rating not less than 4 with regard to the Agriculture Business Management subject, is not sustainable in view of the fact that the notification in question was issued on 25.9.2016 and as on the date of issuance of notification, there is no subsistence of NAAS ratings not less than 4 with regard to Agricultural Business Management. He

submits that there is no illegality or infirmity in the order of the learned single Judge and therefore, no interference is called for from this Court.

6. We have considered the rival submissions made by the parties and we have perused the notification issued by the appellant herein. In the notification, it was notified that apart from having specific qualifications required for the post of Assistant Professor in Agricultural Business Management, a candidate should have qualified in NET in the subject concerned along with one publication in NAAS rated referred journal. It was also specified in the notification that NET can be exempted for the candidates holding Ph.D Degree, provided that it has been done with course work as prescribed by the UGC Regulations 2009, and the candidate has atleast two full length publications having a NAAS rating not less than four.

7. Admittedly, the 1st respondent-writ petitioner has no NET qualification and he is claiming exemption of NET qualification on the ground that he possessed Ph.D degree. Further, he is not having single publication in the NAAS rated journal. He contends that he is eligible for the post of Assistant professor in Agriculture Business Management.

8. Insofar as the publications are concerned, it is not in respect of the subject concerned. Perusal of the notification makes it clear that publication in the NAAS rated referred journal is a requirement for all types of candidates, who qualified NET or who sought exemption of NET by virtue of holding Ph.D degree. But there is variance in number of publications from each other. One Publication in NAAS rated referred journal is insisted in respect of the candidates who possessed NET whereas two such publications are being insisted in respect of the candidates who are seeking

exemption of NET by virtue of holding Ph.D. Degree. Viewed from angle, publication in NAAS rated referred journal is a minimum requirement for every candidate to become eligible for the post of Assistant Professor as per the UGC Regulations as well as the notification issued by the appellant-University.

9. Admittedly, the 1st respondent-writ petitioner is not having single publication in NAAS rated referred journal. Therefore, we cannot agree with the learned single Judge in directing that the 1st respondent be allowed to participate for interview for the post of Assistant Professor in Agricultural Business Management. We do not see any merits in the case of the 1st respondent. In the circumstances, we hereby set aside the order of the learned single Judge passed in W.P.No.26540 of 2017.

10. Accordingly, the Writ Appeal is allowed setting aside the order of the learned single Judge dated 29.8.2017 in W.P.No.26540 of 2017. No costs. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE SURESH KUMAR KAIT

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 1st March, 2018.
Nn.

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
&
HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL No.1564 OF 2017

(Judgment delivered by the AKS,J)



1/03/2018

Nn.