

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2182 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ or direction more particularly one in the nature of Writ of Mandamus, declaring the impugned notification issued vide No. 295/A3/KU/2018, dated 21-07-2018, inviting applications for the post of Superintendent under 50% test quota contrary to the University regulations is arbitrary, illegal, unjust, bad in law and violative of principles of natural justice, contrary to practice in vogue and violative of Art. 14, 16, 19 (1) (g) of Constitution of India, consequently quash the impugned notification issued vide No. 295/A3/KU/2018, dated 21-07-2018 by the respondent University or pass such other order or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

Heard Smt G.Malathi, learned counsel appearing for the petitioners and Sri Adi Venkateswara Rao, learned Standing Counsel appearing for the respondent-University.

The petitioners are working as Care Takers-II in the respondent-University. They are fully eligible to be promoted to the post of Superintendent. Their grievance is that the promotion to the post of Superintendent has to be filled up from the feeder categories of Senior Assistant and U.D.Typist. But the respondents instead of inviting applications from the

feeder categories of Senior Assistant and U.D.Typist, invited applications from the category of Laboratory Assistant.

Learned counsel appearing for the petitioners submits that in the previous recruitment, instead of Laboratory Assistants, Care Takers were made eligible for promotion to the post of Superintendent, but the University has deliberately omitted the feeder category of Care-Taker, and included the category of Laboratory Assistant.

From a perusal of the material available on record, it appears that the post of Superintendent is to be filled up from the feeder categories of Senior Assistant and U.D.Typist. Neither Laboratory Assistants nor Care Takers were included in the feeder category. In the absence of the same, this Court is not inclined to give a direction to the respondents to include the Care Takers in the feeder category and promote the petitioners to the post of Superintendent just because Laboratory Assistants are included in the feeder category. It is for the respondent-University to call for the applications depending upon the pay scales of Senior Assistant and U.D.Typist.

This Court has specifically posed a question to the learned counsel appearing for the petitioners as to whether the

pay scale of Care Taker-II is equivalent to Senior Assistant and U.D.Typist.

Learned counsel appearing for the petitioners submits that the pay scale of Care Taker-II is less than the Senior Assistant and U.D.Typist.

In view of the same, this Court cannot give a positive direction to the respondent-University to include the category of Care Taker-II in the feeder category and consider the cases of the petitioners for promotion to the post of Superintendent. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*14<sup>th</sup> February, 2019*  
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