

HIGH COURT FOR THE STATE OF TELANGANA

**THE HONOURABLE THE CHIEF JUSTICE
SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER**

WRIT APPEAL No.139 OF 2019

Date: 26.06.2019

Between:

T.Mallaiah and another

...Appellants

and

Kakatiya University,
Rep. by its Registrar,
Warangal, Warangal District.

...Respondent

Counsel for the appellants:

Mr.S.Lakshmikanth for
Mrs.G.Malathi

Counsel for the respondent:

Mr.Adhi Venkateshwara Rao,
SC for Kakatiya University

The Court made the following:

JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

The appellants – petitioners are aggrieved by the order dated 14.02.2019 passed by the learned Single Judge in W.P.No.2182 of 2009, whereby the learned Single Judge has dismissed the writ petition, wherein the petitioners had challenged the notification dated 21.07.2018 which had invited applications for the post of Superintendent in the University.

A perusal of the impugned order clearly reveals that the learned Single Judge observed that the post of Superintendent is to be filled up from the feeder categories of Senior Assistant, and U.D. Typist. However, the post held by the appellants, namely, Care Taker is not a post of feeder category.

Admittedly, the petitioners were appointed against the post of Care Takers. Therefore, there was no possibility of their succeeding in being appointed, or even being considered for the post of Superintendent. It is, in these circumstances, that the learned Single Judge concluded that *“this Court cannot give a positive direction to the respondent – University to include the category of Care Taker-II in the feeder category and to consider the cases of the petitioners for promotion to the post of Superintendent”*.

However, the learned counsel for the appellants contends that the University was not justified in making the Laboratory Assistants as eligible for promotion, as the very regulations of the University do not permit the Laboratory Assistants to be considered for promotion. Therefore, the notification was clearly contrary to the University Regulations. Hence, the learned Single Judge has erred in not setting aside the notification and in not directing the University to

consider the cases of the petitioners for promotion to the post of Superintendent.

The position being taken by the learned counsel for the appellants is highly misplaced. Firstly, since the appellants cannot be considered for promotion to the post of Superintendent, as they hold the post of Care Takers, a post not included in the feeder category, they are not even remotely connected with the notification. Hence, they lack the locus standi to challenge the same. Moreover, since the post of Care Taker does not belong to the feeder channel, no direction could be issued by the learned Single Judge to consider their cases for promotion. To say the least, the entire writ petition is a frivolous petition that ought to have been dismissed with exemplary costs.

Notwithstanding the fact that a legally valid order has been passed, the appellants have still approached this Court by filing the present appeal. Even the present appeal, filed before the Division Bench, is a frivolous one.

Therefore, while dismissing this appeal, this Court imposes costs of Rs.10,000/- (Rupees ten thousand only) upon the petitioners for having wasted the valuable time of this Court. The costs shall be paid in favour of the University within a period of two weeks.

The writ appeal is hereby dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(DR. SHAMEEM AKTHER, J)

26th June, 2019
Lrkm