

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12305 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in appointing the 3rd respondent as HoD of the Telugu Studies of the 2nd respondent University even though petitioner is holding the post of Assistant Professor is illegal, arbitrary, and violative of Articles 14 and 16 of the Constitution of India apart from contrary to the UGC guidelines and judgment of this Hon'ble Court in W.A. No.581 of 2016 and W.P.No.35190 of 2015, dated 08.08.2016 and consequently direct the respondents to appoint the petitioner as Head of the Department with all consequential benefits and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Heard Sri J.M.Naidu, learned counsel appearing for the petitioner, learned Government Pleader for Higher Education appearing for respondent No.1 and Sri V.Krishna Murthy, learned Standing Counsel appearing for respondents 2 and 3.

It is the case of the petitioner that he is working as a Professor in the 2nd respondent-University. He is fully eligible and qualified to be appointed as Head of the Department (HOD). But, ignoring his case, the respondents have appointed the 3rd respondent as HOD *vide* proceedings dated 18.8.2017.

Learned counsel appearing for the petitioner contended that the 3rd respondent is not eligible to be appointed as HOD since she is working as Assistant Professor. It is further contended that the tenure of the 3rd respondent has come to an end in August, 2019 and as on today, there is vacant post of HOD in the 2nd respondent. It is prayed that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for appointment to the post of HOD with all consequential benefits.

Learned Standing Counsel appearing for the 2nd respondent contended that since the tenure of the 3rd respondent has come to an end, if the petitioner submits a representation afresh, his case would be considered and appropriate orders would be passed, in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the petitioner to submit a representation afresh within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same, and pass appropriate orders in accordance with law, within a period of six weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 13.11.2019
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