

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12357 of 2019

ORDER:

With the consent of both parties, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking a Writ of Mandamus, declaring the notification dated 02.03.2019 issued by respondent No.2 for recruitment to the posts of Professors, as illegal, arbitrary and violative of Article 14 of the Constitution of India and also contrary to the circular dated 09.04.2013 and sought a consequential direction to set aside the same.

Heard Sri B. Vijaysen Reddy, learned counsel for the petitioner, and Sri V.Ramchander Goud, learned Standing Counsel appearing for respondent Nos.2 and 3.

It has been contended by the petitioner that he is fully eligible and qualified to be appointed as Professor in Mechanical Engineer and the 2nd respondent has issued notification on 02.03.2019 for recruitment to the posts of Professors in Mechanical Engineering. The petitioner further submits that he has responded to the said notification. The grievance of the petitioner is that though his application was accepted, his case is not being considered and no interview call letter is being issued to him.

Learned counsel for the petitioner submits that as per the UGC guidelines, a person with 400 API score alone is to be considered for appointment to the post of Professor and the petitioner is having API score of more than 600. Learned counsel also submits that the persons with less than minimum 400 API score are being called for the interview.

The other contention raised by the petitioner is that the Vice-Chancellor of the 2nd respondent University is going to retire in the month

of July, 2019 and the State Government had issued a circular on 09.04.2013 to the effect that the Universities should not undertake any recruitments of teaching/non-teaching staff at the fag end of the expiry of the term of Vice Chancellors. As the Vice Chancellor of the 2nd respondent will retire in the month of July, 2019 and the respondents have issued recruitment notification on 03.02.2019, the notification is liable to be set aside.

At the time of hearing, learned counsel for the petitioner has given up the second contention raised by the petitioner and contends that if the case of the petitioner for appointment to the post of Professor is considered along with other candidates, his grievance would be resolved. Learned counsel for the petitioner further submits that the petitioner should be furnished with API score of all the candidates who participate in the selection process for the posts of Professors. Learned counsel also submits 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 Professor by duly furnishing API scores of all the candidates who are being considered for appointment to the posts of Professors.

Learned Standing Counsel appearing for the respondents had submitted that the case of the petitioner would be considered along with other eligible candidates and the API scores of all the candidates who are being considered for appointment to the posts of Professors also would be furnished to the petitioner in accordance with the Rules. Learned Standing Counsel had further submitted that the petitioner has submitted a representation to the respondents on 11.06.2019 and the case of the petitioner would be considered and appropriate orders would be passed

on the representation submitted by the petitioner in accordance with the Rules.

This Court, having considered the rival submissions of learned counsel for both parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for appointment to the post of Professor in Mechanical Engineering in accordance with the Rules and also to furnish API scores of all the candidates, who are being considered for appointment to the posts of Professors, to the petitioner. It is needless to say that if the petitioner comes within the zone of consideration, his case be considered for appointment to the post of Professor.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

21st June 2019
v v