

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.13295 & 13446 of 2018

COMMON ORDER:

Since the issue raised in both these writ petitions is one and the same, both these Writ Petitions are being disposed of by this common order.

2. Heard the learned counsel for petitioner in both these writ petitions, the learned Standing Counsel appearing for the respondents and perused the record.

3. The petitioners in both these writ petitions are Professional Assistants in the 1st respondent University. They contend that their next promotional post is 'Assistant Librarian'. The petitioners further contend that as per the recruitment rules, the post of Assistant Librarian is to be filled up by direct recruitment. However, the 1st respondent University has taken a policy decision to the effect that the post of Assistant Librarian can be filled up by direct recruitment as well as by promotion. Subsequently, the candidature of many Professional Assistants was considered to the post of Assistant Librarian by way of promotion, up to the year 2015. The petitioners further contend that in the 1st respondent University, they are the only left out Professional Assistants to be considered for the post of Assistant Librarian by promotion. Without considering the candidature of the petitioners for the post of Assistant Librarian by promotion, the 1st respondent University had fallen back with the recruitment rules and is insisting to fill up the post of Assistant Librarian only by way of direct recruitment,

which is contrary to the policy decision taken earlier for creating a channel of promotion for the post of Assistant Librarian and sought for a direction to the 1st respondent University to promote them as Assistant Librarians by duly considering their candidature on par with the similarly situated employees who were promoted earlier to the post of Assistant Librarian in the 1st respondent University.

4. The learned counsel for the petitioners in both these writ petitions would contend that since a policy decision was taken by the 1st respondent University to consider the candidature of the Professional Assistants to the post of Assistant Librarian by creating a channel of promotion, the case of the petitioners can also be considered, as is done in the case of various other Professional Assistants working in the 1st respondent University. The learned counsel would further submit that appropriate orders may be passed in both these writ petitions directing the respondents to fill up the post of Assistant Librarian by way of promotion, in terms of the policy decision taken by the 1st respondent University way back in the year 1993 and to consider the candidature of the petitioners to the post of Assistant Librarian by promotion, which was done up to the year 2015.

5. The learned Standing Counsel appearing for the respondents would submit that the policy decision taken by the 1st respondent University, on which much emphasis is being laid by the petitioners, to consider the candidature of the Professional Assistants for promotion to the post of Assistant Librarian was

taken in the year 1993. However, in the year 2010, the 2nd respondent/University Grants Commission had issued guidelines to the Universities to strictly follow the recruitment rules and fill up the post of Assistant Librarian only by way of direct recruitment. Since the 2nd respondent/University Grants Commission had issued guidelines prescribing minimum qualification for appointment of teaching and other academic staff in the Universities in the year 2010, the 1st respondent University is bound to implement the said guidelines and cannot deviate from same. The learned Standing Counsel appearing for the respondents further contended that however, the candidature of the petitioners to the post of Assistant Librarian would be considered, if they fulfill the eligibility criteria for direct recruitment to the said post.

6. In reply, the learned counsel for the petitioners would contend that the petitioners also fulfill the minimum educational qualifications for appointment to the post of Assistant Librarian even by way of direct recruitment and hence, their candidature can be considered to the post of Assistant Librarian by way of direct recruitment, subject to fulfillment of the minimum educational qualifications for the said post.

7. This Court, having considered the rival submissions made by both the parties, is of the considered view that both these writ petitions can be disposed of directing the 1st respondent University to consider the candidature of the petitioners for the post of Assistant Librarian by way of direct recruitment, if they fulfill the

minimum educational qualifications for the post of Assistant Librarian, and pass appropriate orders, in accordance with law, within a period of four (04) weeks from the date of receipt of a copy of this order.

8. With the above observation/direction, both these Writ Petitions are disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, in both these writ petitions shall stand closed.

07th June, 2019
Bvv

ABHINAND KUMAR SHAVILI, J

