

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.46576 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 2<sup>nd</sup> respondent in issuing Proceedings No. MR-551/ 23/ 92/ Adm.1-2, dated 18.12.2017 to re-notify the ST (Women) vacancy of Assistant Professor in Department of Education, Osmania University, Hyderabad, without any valid reasons as bad, arbitrary, illegal and unconstitutional and consequently direct the respondents to declare the results of the selection process for the post of Assistant Professor in Education in Limited Recruitment Quota ST-Women (Backlog) in the Osmania University, Hyderabad ....”

Heard Mr.C.Damodar Reddy, learned counsel for the petitioner and Sri Ch.Jagannatha Rao, learned Standing Counsel for respondents 2 and 3.

It has been contended by the petitioner that she is fully eligible and qualified to be appointed to the post of Assistant Professor in the Department of Education. The petitioner is a member belonging to scheduled caste community. The respondents have issued Notification for recruitment of Assistant Professor in Education in limited recruitment quota meant for SCs and STs and the petitioner has responded to the said Notification and the petitioner has participated in the said selection process.

The grievance of the petitioner is that the respondents have conducted selection process but not concluded the selection process. In those circumstances, the petitioner has filed

W.P.No.35148 of 2016 before this Court and this Court disposed of the said writ petition on 15.03.2017 by observing as follows :-

“.... learned Special Government Pleader Sri Andapalli Sanjeev Kumar, submits that University requires eight weeks time to complete the selection process.

Recording the said submission, writ petition is disposed of, directing the University to complete the selection process to the post of Assistant Professor in Education meant to be filled up by Scheduled Tribe candidates within a period of eight weeks from the date of receipt of copy of this order duly taking note of the directions of this Court in W.P.No.33272 of 2013.”

Thereafter, the respondents have passed the impugned order dated 18.12.2017, wherein the respondents have resolved to re-notify ST (women) vacancy of Assistant Professor of Education based on a committee report.

Learned counsel appearing for the petitioner submits that this Court was pleased to dispose of W.P.No.35148 of 2016 by directing the respondents to complete the selection process within eight weeks. But, the respondents, have not complied with the direction issued by this Court in W.P.No.35148 of 2016 and constituted a Committee on their own and based upon a finding of the Committee, the respondents have resolved to re-notify ST (women) vacancy, which is contrary to the direction given by this Court. The respondents while issuing impugned proceedings have not taken recruitment process to its logical conclusion either by giving appointment order to the selected candidate or cancelling the selection process. In the absence of the same, the respondents cannot merely resolve to re-notify the vacancy abandoning the recruitment process half way through. No reasons were assigned for cancelling the recruitment and without cancelling the selection

process, the respondents cannot re-notify the said vacancy. Therefore, the impugned order is liable to be set aside and appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for appointment to the post of Assistant Professor in Education.

The learned Standing Counsel appearing for the respondents has contended that the persons, who have participated in the selection process, have made certain allegations against the petitioner and that necessitated the respondents to constitute a committee to enquire into the allegations made against the petitioner and therefore, after submitting the report by a committee, the respondents have passed the impugned order, wherein a decision was taken to re-notify the said vacancy. The petitioner has no vested legal right to seek appointment and contend that selection process should be finalized. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that earlier this Court disposed of W.P.No.35148 of 2016 directing the respondents to complete the selection process within a period of eight weeks. The respondents ought to have completed the selection process either in the form of appointing selected candidate or cancelling the selection process. But, the respondents have not passed any orders either appointing selected candidate or cancelling the selection process and moreover resolved to re-notify the vacancy. When this Court has specifically directed the respondents to complete the selection process the

respondents have to either appoint selected candidate or cancel the selection process. But, without following either of the two, the respondents cannot re-notify the vacancy. Therefore, the impugned order is liable to be set aside, as it is contrary to the judgment rendered by this Court in W.P.No.35148 of 2016 dated 15.03.2017 and the same is accordingly set aside. The respondents are directed to consider the case of the petitioner strictly in terms of the observations made by this Court in W.P.No.35148 of 2016 and pass appropriate orders in accordance with law.

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

Pending miscellaneous petitions, if any, shall stand closed.

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ABHINAND KUMAR SHAVIL, J

Date: 30-07-2019  
Prv



