

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
WRIT APPEAL Nos.1755 of 2018 and 6 of 2019

COMMON JUDGMENT: (Per the Hon'ble the Chief Justice Sri Thottathil B.Radhakrishnan)

We have heard the learned counsel for the appellant and the learned counsel for the first respondent University.

2. The appellant filed Writ Petitions seeking a declaration that the action of the University in not providing, as a matter of policy, reservation of other backward classes (OBCs) in the posts of Lecturers in its various faculties and departments was unlawful. The appellant also sought that the notification dated 01.02.2007 for 28 posts of Lecturers in various faculties was illegal for the reason that OBC reservation policy has not been followed. It was, therefore, sought that the notification be set aside.

3. The learned single Judge found that 2007 policy decision was brought into force and that the University had been implementing it thereafter. The question whether the notification for selection issued on 01.02.2007 ought to have included the reservation for OBCs is not a matter which would depend upon the operation of a policy which came into being in 2007. The appellant did not have the specific case that there was any crystallized policy in the form of rules, guidelines or circulars which were binding on the University and which were in operation as on 01.02.2007, the date of issuance of the impugned notification.

4. The fact of the matter remains that on 02.08.1994 a notification was issued by the first respondent University resolving to observe reservation to OBCs in the University services in terms of Government of India, Department of Personnel & Training, Official Memorandum, dated 22.10.1993, as communicated vide University Grants Commission (UGC) and Ministry of Human Resource Development (MHRD) letters referred to in that notification. Obviously, the direction issued by the learned single Judge takes in the backlog vacancies also since there is a specific direction in paragraph 5 of the impugned order of the learned single Judge that the University shall also take into consideration the backlog vacancies of OBCs and take a decision to fill up the posts of Lecturers in accordance with the rules.

5. Obviously, therefore, the backlog vacancies, if any, as regards Lecturers are available, the same will also be taken into consideration and requisite measures will be taken to ensure that there are no backlog vacancies referable to OBCs quota and the rota and the rule in relation to OBCs will also be operated and compliance obtained in accordance with the University's decision in conformity with the UGC and MHRD orders and guidelines. With this, the impugned order of the learned single Judge is clarified to this extent and the Writ Appeals are ordered accordingly.

6. In view of the UGC's stand that the implementation of OBCs reservation is a policy which became operational from 24.01.2007, requisite follow up action shall be taken by the University within a

period of three months from the date of receipt of a copy of this order, unless already effectuated.

The miscellaneous petitions pending in these appeals, if any, shall stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

A.RAJASHEKER REDDY, J

25.01.2019
vs