
(2002) 04 AP CK 0097

In the Andhra Pradesh High Court

Case No : Writ Petition No's. 1187 and 1220 of 2002

A. Hari Prasanna and Another

APPELLANT

Vs

Sri Venkateswara University and Others

RESPONDENT

Date of Decision : 01-04-2002

Acts Referred:

Andhra Pradesh University Act, 1991 — Section 19, 19(5), 2(22), 2(23), 39
Constitution of India, 1950 — Article 226

Citation : (2002) 3 ALT 219

Hon'ble Judges : P.S. Narayana, J

Bench : Single Bench

Advocate : R. Subhash Reddy and Raghuveer Reddy, for the Appellant; B. Adinarayana Rao, S.C., for the Respondent

Final Decision : Dismissed

Judgement

P.S. Narayana, J.—The writ petitioners, an Assistant Professor and Assistant Director-Lecturer, of Sri Venkateswara University, in short referred to as "University" hereinafter, had questioned the proceedings dated 4-1-2002 passed in No. E. 11(6)/2002 on the file of 1st respondent and the consequential proceedings and the grounds raised in both these Writ Petitions being substantially the same, both the Writ Petitions are being disposed of by a common order.

2. In W.P.No. 1187/2002, the petitioner was appointed as a Lecturer in English vide proceedings dated 2-9-1992 and after completion of probation the 1st respondent-University had declared her probation to be satisfactory by proceedings dated 8-4-1999 with effect from 10-10-1994 and on 4-1-2002 the 1st respondent had transferred the petitioner from the 2nd respondent College to the 3rd respondent College and consequently proceedings dated 19-1-2002 had been issued by the 2nd respondent and hence the Writ Petition was filed for a writ of mandamus or any other appropriate writ, order or direction declaring and setting aside the proceedings dated 4-1-2002 passed in No. E.11(6)/2002 on the

file of the 1st respondent and the consequential proceedings dated 19-1-2002 passed in No. E2/SHES/2001 on the file of the 2nd respondent as illegal, arbitrary and without jurisdiction and consequently direct the 2nd respondent to allow the petitioner to work as Assistant Professor in the Department of English in the 2nd respondent College and for other appropriate reliefs.

3. In W.P.No. 1220/2002, the petitioner, an Assistant Director-cum-Lecturer, had questioned the proceedings dated 4-1-2002 on the file of the 1st respondent and the consequential proceedings dated 18-1-2002 in Roc.No. DDE/SVU/T/Estt./2002 on the file of the 2nd respondent as illegal, arbitrary and without jurisdiction and for a direction to the 2nd respondent to allow the petitioner to work as Assistant Director-cum-Lecturer in the 2nd respondent Institution and for other appropriate reliefs. The petitioner was appointed as Assistant Director-cum-Lecturer in the 2nd respondent College by proceedings dated 6-3-1997 and was placed on probation and the probation was declared and confirmed with effect from 7-3-1999 and inasmuch as the posts of Assistant Directors-cum-Lecturers are not inter-transferable, the impugned proceedings are questioned on the ground that they are contrary to the Resolution of the Board of Management and also the norms and guidelines.

4. In both the Writ Petitions, substantially the same grounds are urged, except for the difference that in the first matter, the petitioner is at present an Assistant Professor and in the second matter, the petitioner is an Assistant Director-cum-Lecturer.

5. It is also brought to my notice that certain interim orders were passed in both the Writ Petitions.

6. Sri Raghuvver Reddy, the learned Counsel representing the writ petitioners in both the writ petitions had drawn my attention to the amalgamation of the S.V. University College and also the S.V. University Engineering College and had contended that even as per the conditions and the guidelines of the amalgamation and the subsequent proceedings and in view of condition No. 2, two Lecturers to be drawn can be Sri M.R. Ashok and Sri Yerrama Reddy and by any stretch of imagination, the writ petitioners who have been appointed in specific posts of specific Colleges and specific Departments cannot be directed to work in another Institution though the other Institution also falls under the same University. The learned Counsel further contended that it is not a case of transfer simpliciter and if the University service in toto has to be treated as one service, then there is no necessity of having such amalgamation order at all and the very fact that an order was made in this regard clearly shows that the appointments were made in the respective Colleges and Departments for the specified posts and hence the impugned orders are definitely contrary to the amalgamation orders and also the conditions and the guidelines. The learned Counsel had taken me through several allegations made in the affidavit filed in support of the writ petitions and also in detail the different proceedings in this regard i.e., amalgamation proceedings, guidelines, the modalities, the proceedings, relating

to the declaration of probation and several other aspects. The learned Counsel also would maintain that the order of amalgamation has the statutory force and hence the University is bound by the order of amalgamation and also the consequential guidelines. The learned Counsel also had drawn my attention to Section 19 of the A.P. Universities Act, 1991, hereinafter referred to as "Act" in short. The learned Counsel also had contended that as far as Dr. Ravi Naidu is concerned, his post being Assistant Director-cum-Lecturer in the Distance Education, the functions and duties also are slightly different and even on that ground, the impugned orders are bad. The learned Counsel also would maintain that the transfer is not a transfer simpliciter, but contrary to the Resolution and also the appointment orders, the service Rules, the amalgamation and also the modalities.

7. Sri B. Adinarayana Rao, the learned Standing Counsel representing University had drawn my attention to Sections 2(22) and (23) and also Sections 19(5) and 39 of the Act and had contended that the contract of services is in relation to the University and hence the writ petitioners having accepted the University service, which is clear even as per the advertisement made while inviting for applications, cannot contend that they will work only in the respective Colleges in the respective Posts or Departments and cannot take a stand that they will not work elsewhere in another College of the self-same University. The learned Counsel also had drawn my attention to the different Colleges functioning within the same premises and also several details mentioned in paragraphs 3,5 and 7 of the counter-affidavit direction also Clause (1) of the agreement which had been entered into by the petitioners. The learned Counsel further had drawn my attention to the dates of appointment of Sri Ashok and Sri Yerrama Reddy, who were appointed long back. While commenting about the modalities, the learned Counsel contended that these are only the modalities or guidelines not having any statutory force and there is no malice of fact or there are no mala fides and the service conditions are not altered and seniority also is not at all affected and the transfer is within the campus from one College to another College and hence the declaration of probation as such may not confer any special right so as to claim that the petitioners will work only at the respective places in the respective posts. The learned Counsel also had contended that transfer is Universitywise and not Departmentwise and the service is University service and not the service in relation to A constituent College. The learned Counsel after making elaborate submissions also had placed reliance on Maharashtra State Board of Secondary and Higher Secondary Education and Another Vs. Paritosh Bhupeshkumar Sheth and Others, , Union of India and Others Vs. S.L. Abbas, , State Bank of India Vs. Anjan Sanyal and Others, and National Hydroelectric Power Corporation Ltd. Vs. Shri Bhagwan and others, . The learned Counsel further contended that at any rate the grounds raised by the writ petitioners in fact are not justiciable and hence there is no question of interfering in such matters of academic Institutions by a Writ Court under Article 226 of the Constitution of India.

8. Heard both the Counsel at length and also perused the material available on

record.

9. Though lengthy arguments had been advanced by both the Counsel representing the respective parties, the question that has to be decided in these Writ Petitions is whether the impugned order dated 4-1-2002 and the consequential orders are sustainable.

10. The impugned order dated 4-1-2002 reads as follows:

"(1) Dr. A. Hari Prasanna, Assistant Professor, Department of English, S.V. University College of Arts and Sciences, Tirupati is transferred to S.V.U. College of Engineering Tirupati and she is entrusted with teaching work of B.Tech. classes in English at S.V.U. College of Engineering, Tirupati with immediate effect.

(2) Dr. V. Ravi Naidu, Assistant Director-cum-Lecturer working in the Directorate of Distance Education, S.V. University is transferred to S.V.U. College of Engineering, Tirupati and he is entrusted with the work of B. Tech. Classes in English at S.V.U. College of Engineering, Tirupati with immediate effect.

(3) They should report to the Principal, SVU College of Engineering, Tirupati IMMEDIATELY.

(4) The expenditure on payment of salaries to the above incumbents shall however be met from the Budget Head "SVU College Account-Dept. of English-teaching Staff Salaries and Funds of DDE Block Grant Account-respectively."

It is no doubt true that Dr. A. Hari Prasanna was appointed as Lecturer in English, S.V. University College of Arts and Sciences. Tirupati on Rs. 2200/- per month in the scale of Rs. 2200-75-2800-100-4000 besides D.A. etc., at the University rates in the post vacated by Dr. S.S. Sarma and the said order dated 2-9-1992 also reads that the appointee should report herself for duty to the Principal, S.V.U. College of Arts and Sciences, Tirupati on or after 2-9-1992 but not later than 3-10-1992, failing which the offer of appointment stands cancelled. In the amalgamation of certain Departments and implementation dated 30-9-1993 based on the resolution of the Standing Committee of the Academic Senate, instructions were issued under the orders of the Vice-Chancellor and as far as the Department of English is concerned, under the Serial Numbers and the Name of the Teacher, Serial No. 1 is shown as Sri. P. Yerrama Reddy, Lecturer in English, and Serial No. 2 is shown as Sri M.R. Ashok, Lecturer in English. Clauses (ii) and (iv) of the said amalgamation EII-1/93, dated 30-9-1993 read as follows:

"The above staff members should be permitted to be relieved by the Principal, SVU College of Engineering, so as to enable them to report to the respective Heads of the Departments concerned in the SVU College of Arts and Sciences on the a.n. of 30-9-93."

"The Heads of the respective Departments of SVU College of Arts and Sciences shall name a teacher(s) preferably one who was drawn from the SVU College of

Engineering to teach the concerned subjects for B. Tech./M. tech/M.C.A. course in SVU College of Engineering. The teacher(s) so drawn will be under the control of the Principal in the SVU College of Engineering as far as academic work is concerned. However, along with the other members of the Departments, they will be under the administrative control of the concerned Dean of the School/Principal of the SVU College of Arts and Sciences, Tirupati."

The relevant portion of the minutes of the meeting held on 17-7-1995 in the chambers of the Rector finalising the modalities for handling the class work in the S.V.U. College of Engineering from the academic year 1995-96, reads as follows:

"Reviewing the working procedures as per the guidelines set forth in the Board of Management Resolution (Res.No. A-3, dated 7-8-1993) the following modalities have been evolved for handling the class work in the SVU Engineering College.

(1) The required number of teachers in each department will be drafted from out of the teachers of the erstwhile Engineering College in the respective departments, to handle the course work in the SVU College of Engineering.

(2) The Junior most staff member of the erstwhile Departments of SVU College of Engineering will be assigned the work.

(3) As and when any new incumbent is appointed into the respective departments he/she will be assigned the course work of the Engineering College relieving the senior teacher wholly from his share of work load (including part time work).

(4) The teachers handling the class work in the Engineering college shall also be assigned PG class work if a request is made by the teacher

(5) The Department-wise break up of the required teachers to teach in SVU College of Engineering is given below."

As far as the Department of English is concerned, the name of Sri M.R. Ashok is shown and it is also stated that the staff who are assigned to take up the course work in S.V. University College of Engineering will be under the academic control of the Principal, S.V. University College of Engineering. The declaration of probation in the case of both the writ petitioners also had been pointed out by the Counsel representing the writ petitioners.

11. Dr. A. Hari Prasanna, in the affidavit filed in support of the Writ Petition while attacking the impugned proceedings had stated in paragraph-4 as follows:

"The impugned proceedings are also contrary to the resolutions approved by the Board of Management which is the competent authority for appointment of Lecturers and also to maintain their service conditions. Section 19 of the Universities Act defines the powers and duties of the Board of Management. The Board of Management is the only competent authority to appoint the Lecturers on the recommendations of the Selection Committee, and define their duties and conditions of service. The impugned proceedings are totally contrary to the

resolutions passed by the Board of Management and also the recommendations made by the Standing Committee of the Academic Senate dated 27-9-1993 and also the Committee appointed for the purpose of reviewing the working procedures as per the guidelines set forth by the Board of Management Resolution dated 7-8-1993. I submit that the Lecturers working in the 3rd respondent College will be imparting education only to Undergraduate courses and they will not have the opportunity to teach Post-Graduate students and since their chances of getting qualified for promotion under Merit Promotion Scheme and Career Advancement Scheme are not available. The Board of Management has passed a resolution on 7-8-1993 merging the Department of English in the 3rd respondent College with that of the 2nd respondent College, but as far as the Academic work is concerned, the Teachers drawn from the 3rd respondent College has to work in the 3rd respondent College alone only for the purpose of administrative control, they are under the control of the 2nd respondent. The first respondent by proceedings dated 30-9-1993 has informed the 2nd and 3rd respondent Colleges that based on the resolution of the Standing Committee of the Academic Senate dated 27-9-1993 the staff members working in Sri Venkateswara, University College of Engineering will become the staff members of the Department of Sri Venkateswara University College of Arts and Sciences, in which two Lecturers in English i.e., Sri P. Yerrama Reddy and M.R. Ashok were shown as Lecturers in English. The said proceedings clearly show that the teachers drawn from the College of Engineering will be under the control of the Principal in the College of Engineering as far as the Academic work is concerned. In view of the above proceedings, one Sri M.R. Ashok has been working as Lecturer in English since the date of merger. During the Year 1995, a Committee was appointed consisting of Rector and the Principals of 2nd and 3rd respondent Colleges have reviewed the working procedures as per the guidelines set forth by the Board of Management Resolution dated 7-8-1993 and evolved the modalities for handling the class work in the 3rd respondent Engineering College. As per the said report, the Teachers drawn from the Engineering College will have to handle the course work in the 3rd respondent Engineering College and the Junior most staff member in the Engineering College will be assigned the work and for the Department of English the required teaching strength was determined as one Lecturer and one Mr. M.R. Ashok being the junior most Lecturer in English in the 3rd respondent Engineering College was continued as such and only to favour the persons of their choice the impugned proceedings are issued and even before the same are received the relieving orders were also enclosed to my transfer order and communicated to my residential address on 2-1-2002. The relieving orders are stated to have been issued on the oral instructions of the Vice-Chancellor. From this it is clearly evident that the transfer order is made only to deprive me to work in the post to which I am appointed and to post persons who are not eligible for the same."

Likewise, even in the Writ Petition filed by Dr. V. Ravi Naidu, it had been averred in paragraph-5 as follows:

"I submit that the order of transfer is also contrary to the resolution made by the Board of Management in the year 1993 wherein the non-technical staff members teaching in Engineering College were to be transferred to Sri Venkateswara University College of Arts and Sciences for administrative control only to enable them to get some additional promotional avenues and also to acquire higher qualifications but those Lecturers were to be under the control of the 3rd respondent only in so far as the Academic work is concerned. The Lecturers working in Non-Technical subjects in Engineering College are eligible for allotment of works in Sri Venkateswara University College of Arts and Sciences but not vice-versa. I submit that the posts of Asst. Director-cum-Lecturers in the 2nd respondent Institution are independent and not transferable, as they involve teaching and also administrative work. The action of the 1st respondent seems to be only to favour the persons teaching English in the 3rd respondent College. I submit that if I am transferred to 3rd respondent College, I will be deprived of my academic prospects and also my future promotional avenues. I submit that the 1st respondent without any jurisdiction or any authority has issued the impugned proceedings transferring me from 2nd respondent Institution to the 3rd respondent College. Apart from lack of jurisdiction the transfer order is also in violation of the resolution of the Board of Management of S.V. University dated 7-8-1993 which is the competent authority to decide on the selection and also the duties and conditions of service of Lecturers. I submit that even the working guidelines made by the Rector and the Principals of college of Arts and Sciences and the College of Engineering do not provide for transfer of a Lecturer from Arts College to Engineering College. In that view of the matter the transfer order issued by the 1st respondent on 4-1-2002 transferring me to the third respondent college is only unsustainable. I submit that I am on earned leave upto 30-1-2002 and when I attended my Institution on 23-1-2002 I was served with the transfer order and also the consequential relieving orders were also issued while I was on earned leave clearly goes to show that the order is issued not on any administrative reason but only to favour some individuals working in the 3rd respondent College. I submit that since the post to which I am appointed is not a transferable post, the same is liable to be set aside by this Hon'ble Court in this Writ Petition. I submit that in the 3rd respondent College there is work load only for one Teacher whereas by the impugned proceedings, two lecturers are transferred."

In the counter-affidavit, after narrating all the details it was stated as follows:

"I submit that it may be relevant to state the following before traversing the contents of the affidavit filed in support of the Writ Petition. SVU Engineering College and SVU Arts and Science College are both constituent Colleges of the respondent-University and are located in the same campus. Prior to amalgamation of Non-Engineering subjects in the Engineering College with the allied Departments in S.V. University College of Arts and Sciences, Tirupati, there were two posts of Assistant Professors in English in S.V.U. College of Engineering, Tirupati to attend to the class work in English for 1st B. Tech. students. Dr. M.R.

Ashok and Sri P. Yerrama Reddy were appointed in the said vacancies and have been working in the S.V.U. College of Engineering, Tirupati. When amalgamation of certain Departments took place, the above two Lecturers automatically joined the parent Department i.e., Department of English in S.V.U. College of Arts and Sciences, Tirupati and were continuing to teach English classes for 1st B. Tech students in the S.V.U. College of Engineering, Tirupati. The Head of the Department of English in his letter dated nil requested the University to permit him to hire the services of the Teaching Assistants exclusively to work in the S.V.U.. College of Engineering, Tirupati, in view of retirement of five senior faculty members from the Department of English, the Department has been continuously utilizing the services of all the faculty members including the above two for teaching and research purpose."

It is also stated that in fact Dr. Hari Prasanna submitted a letter dated 7-1-2002 seeking clarification on her transfer to the S.V. University College of Engineering, Tirupati questioning the authority of the Registrar and the Vice-Chancellor to issue such transfer orders which in fact may amount to violation of Code of Conduct for University Teachers. It is also specifically stated that the University has every right to transfer any Teacher to any place in the University depending upon the circumstances and administrative convenience and the Code of Conduct for University Teachers which was also circulated among the Teachers/Heads of Departments/ Institutions vide office Letter. No. E.11(2)/2000 dated 23-2-2000, which reads as follow:

"5. The following lapses shall constitute improper conduct on the part of the University/College teachers:

Refusal to carry out the decision by appropriate administrative and academic bodies and/or functionaries of the University;

6. Any violation of this Code shall be dealt with according to the relevant University laws."

It is also stated that as per the minutes of the meeting of the Committee constituted to work out modalities for handling the class work in S.V. University College of Engineering, Tirupathi from the academic year 1995-96, the Junior most-staff member of the erstwhile Departments of S.V.U. College of Engineering, Tirupati will be assigned the work and as and when a new incumbent is appointed into the Department, he/she will be assigned the course work of the Engineering College relieving the senior teacher wholly from. his/her share of workload. It is also further stated that as per the agreement of service executed by the said two teachers as per the Laws of the University, the said parties agreed as follows:

"It is submitted that the party of the first part will employ himself in the performance of all such duties as are or may from time to time be assigned to his post by the Officers and Authorities empowered in this behalf by the laws of the Sri Venkateswara University will be bound by the provisions of the said laws

for the time being in force and will submit to all laws made from time to time by the Officers and Authorities empowered under the laws of the University and by the employees of the University under who he may be placed.

In the circumstances explained above, the administration has taken a decision to transfer the next senior person to Smt. P. Usha Rani in the Department i.e., Dr. A. Hari Prasanna to take up class work in English for 1st B. Tech, Students along with Dr. V. Ravi Naidu, Assistant Director-cum-Lecturer, Directorate of Distance Education."

At paragraph-10 of the counter-affidavit, it was further explained as follows:

"As submitted above by a resolution dated 7-8-1993 of the Board of Management some departments (non-Engineering subjects) including English of Engineering College were merged with the respective departments of Arts and Science College. Owing to the merger all the English Teachers come under the English Department and erstwhile English Department of Engineering College has become a section of the English Department of the Arts and Science College. As per the aforementioned resolution the teacher to be allotted the academic work in the Engineering College will be chosen by the Head of the Department concerned of the Arts and Science College. A teacher so chosen will have to work for three years in the Engineering College. Later a committee was constituted consisting of the Rector and the Principals of the Engineering College and Arts and Science College to finalise the modalities of assigning teaching work of non-Engineering subjects in Engineering College including English to the teachers of the respective subjects in Arts and Science College. The Committee evolved certain modalities in its meeting held on 17-7-95 which include:--

"The junior most staff members of the erstwhile Department of S.V.U. College of Engineering will be assigned the work. As and when any new incumbent is appointed into the respective department he/she will be assigned the course work of the Engineering College relieving the senior teacher wholly from his share of work load (including part time work). The teachers handling the class work in the Engineering College shall also be assigned P.G. Class work if a request is made by the teacher. The Committee had basing on the then work load decided that one lecturer was necessary for teaching English in Engineering College and Sri M.R. Ashok appointed on 10-10-19983 was assigned the work. It is pertinent to mention here that on amalgamation Sri P. Yerrama Reddy appointed on 3-9-1979 along with Sri M.R. Ashok who were both earlier teaching English in Engineering College had become members of the English Department of Arts and Science College. When it came to assigning work Sri M.R. Ashok was chosen to teach English in Engineering College and Sri P. Yerrama Reddy, who was the senior among the two was relieved of the same. In a similar way since teachers were to be assigned English teaching work and Engineering College the petitioner who was one among the Juniormost teachers of the English Department was chosen and since there was teaching work warranting two teachers another from the Distance Education Unit of the University was also

chosen. Thus the allegations of accommodating persons of choice etc., are frivolous and present (sic. pressed) into service for the purpose of this Writ petition."

Even as per the advertisement dated 1-2-1992 wherein several posts had been advertised, it was specifically stated as follows:

"The recruitment is for the University service in general which includes S.V.U. College of Arts and Sciences, S.V.U. College of Engineering and S.V.U. Oriental Institute. Tirupati and S.V.U. Post-Graduate Centres at Cuddapah, Kavali and Kurnool."

12. As already stated supra, the principal submission which was made by the Counsel for the writ petitioners in both the Writ Petitions is that inasmuch as their appointments relate to the specific Posts in a particular College and a Department of the University, there cannot be a direction to them to work in yet another College. It is relevant to note that except making some allegation that this was done with a view to accommodate Sri M.R. Ashok, etc., no serious allegations relating to mala fides had been alleged. It is also relevant to note that absolutely there are no alterations relating to any of the service conditions. But however, the main grievance appears to be that in the light of the specific guidelines, when others are expected to work in S.V. University Engineering College to teach English, the writ petitioners are assigned with the said work. Except this grievance there appears to be no other grievance at all. It is no doubt urged that teaching P.G. Course will be something different from taking up classes to the students at the Graduation level. As already stated supra, the appointments were made for the University service.

13. Section 2(22) and 2(23) of the Act dealing with Teachers and Teachers of the University, respectively reads as follows:

"Teachers" means, Professors, Readers and Lecturers in a college and such other persons giving instruction in a college as may be declared by the Statutes to be teachers."

"Teachers of the University" means, teachers appointed by the University to give instruction or guide research in the University and constituent Colleges."

Section 19 of the Act deals with Powers and duties of Executive Council and Section 19(5) of the said Act reads as follows:

"subject to such Statutes as may be prescribed in this behalf, -

(i) to appoint the teachers of the University below the rank of Lecturers;

(ii) to appoint the teachers of the University and above the rank of Lecturers on the recommendations of the Selection Committee constituted for the purpose:

Provided that the Executive Council may invite any person of high academic distinction and professional attainments to accept post of Professor in the

University and appoint him to that post;

Provided further that if the Executive Council rejects the selections made by the Selection Committee, the matter shall be referred by the University to the State Government whose decision thereon shall be final;

(iii) to fix emoluments of the teachers of the University and define their duties and conditions of service;"

Section 39 of the said Act deals with Conditions of service and the provision reads as follows:

(1) Save as otherwise provided, every salaried officer and teacher of the University shall be appointed under a written contract, and the conditions of service relating to them shall, as far as possible be uniform except in respect of salaries payable to them.

(2) The contract shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

14. As already stated supra, the writ petitioners had entered into the agreements with the University and in a contract of service it is needless to mention that the parties are bound by the terms of the agreement also and inasmuch as the service is of University service, the writ petitioners cannot make a serious grievance about the impugned proceedings whereunder they have to work in yet another College in the same premises of the self-same University. It is also essential to note that even as per the terms of the agreement and also the very advertisement, in the absence of the order of amalgamation also I am of the opinion that the University could have proceeded with the issuance of the impugned proceedings. But the mere fact that there was amalgamation will not alter the situation in any way. Further, the modalities or the guidelines, if any fixed are only internal arrangements and the said modalities cannot be said to have any statutory force as such and hence the breach of any conditions thereof or any infraction of the said conditions cannot give rise to a cause of action on the part of the writ petitioners so as to invoke the jurisdiction of this Court under Article 226 of the Constitution of India. No doubt, as far as Dr. Ravi Naidu's matter is concerned, several other contentions had been advanced on the ground that as Assistant Director-cum-Lecturer, the duties are totally different and hence his post stands totally on a different footing. I am not inclined to agree for the reason that the said Dr. Ravi Naidu also is a teacher of the self-same University and in the University service and hence when a work is assigned to him to teach English in S.V. University Engineering College, it cannot be contended that such proceeding is without authority or without jurisdiction. These are all internal matters concerned with academic Institutions and the modalities and the work adjustment and several other aspects may have to be dealt with depending upon several exigencies which may arise in the administration of a particular University or a particular College or a particular Department, as the case may be, and in such internal matters relating to such educational Institutions, it is

needless to mention that the interference of the Courts under Article 226 of the Constitution of India, must be very slow and should be very limited only in cases where the legal rights of the parties are infringed because of any serious statutory violations or otherwise and not for the mere breach of any internal instructions or guidelines.

15. In the decision referred (1) supra, at page 56, it was held by the Apex Court as follows:

"Far from advancing public interest and fair play to the other candidates in general, any such interpretation of the legal position would be wholly defeasive of the same. As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them. It will be wholly wrong for the court to make a pedantic and purely idealistic approach to the problems of this nature, isolated from the actual realities and grass root problems involved in the working of the system and unmindful of the consequences which would emanate if a purely idealistic view as opposed to a pragmatic one were to be propounded. It is equally important that the Court should also, as far as possible, avoid any decision or interpretation of a statutory provision, rule or bye-law which would bring about the result of rendering the system unworkable in practice. It is unfortunate that this principle has not been adequately kept in mind by the High Court while deciding the instant case."

In the decision referred (3) supra, at paragraph-4, the Apex Court held as follows:

"An order of transfer of an employee is a part of service conditions and such order of transfer is not required to be interfered with lightly by a court of law in exercise of its discretionary jurisdiction unless the court finds that either the order is mala fide or that the service rules prohibit such transfer or that the authorities who issued that order are not competent to pass the order...."

In the decision referred (4) supra, it was held by the Apex Court at paragraph-5 as follows:

"On a careful consideration of the submissions of the learned Counsel on either side and the relevant Rules to which our attention has been invited to, we are of the view that the High Court was not justified in interfering with the impugned orders of transfer. It is by now well settled and often reiterated by this court that no Government servant or employees of a Public Undertaking has any legal right to be posted forever at any one particular place since transfer of a particular employee appointed to the class or category of transferable posts from one place to other is not only an incident, but a condition of service, necessary too in public interest and efficiency in the public administration. Unless an order of transfer is

shown to be an outcome of mala fide exercise of power or stated to be in violation of statutory provisions prohibiting any such transfer, the courts or the tribunals cannot interfere with such orders as a matter of routine, as though they are the appellate authorities substituting their own decision for that of the management, as against such orders passed in the interest of administrative exigencies of the service concerned....."

In the decision referred (2) supra, it was held as follows:

"Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must to be posted at the same place. The said guideline however does not confer upon the Government employee a legally enforceable right."

16. Hence, in the light of the above facts and circumstances and especially in the light of the fact that both the petitioners had been appointed to the University service and inasmuch as they had accepted the conditions of service and also executed the respective agreements in favour of the University, now the writ petitioners are bound by the contract of terms of service and in fact the writ petitioners are estopped from contending otherwise relating to the same. Apart from this aspect of the matter, except pointing out certain of the guidelines and referring to the amalgamation, no other serious statutory infraction also had been pointed out and absolutely there are no changes in the service conditions and the writ petitioners are in no way prejudiced by virtue of the impugned proceedings. Viewed from any angle, it cannot be said that the University made the impugned proceedings with any ulterior motive and in my considered opinion, the power had been exercised by the University in a bona fide manner keeping in view the peculiar circumstances and hence I am of the opinion that there is no illegality or legal infirmity in any of the impugned proceedings impugned in both the Writ Petitions and hence both the Writ Petitions are bound to fail.

17. Accordingly, the Writ Petitions are dismissed. But however inasmuch as the writ petitioners also are the Teachers of the University, and being academicians they are expected to maintain principles of a higher order so as to be the guiding force to the student community, I am not inclined to make any order as to costs.