

(2011) 11 AP CK 0125
In the Andhra Pradesh High Court
Case No : W.A. No. 52 of 2011

Dr. A. Vijaya Kumar Babu

APPELLANT

Vs

Osmania University and Another

RESPONDENT

Date of Decision : 22-11-2011

Acts Referred:

Citation : (2012) 2 ALT 10

Hon'ble Judges : Nooty Ramamohana Rao, J; Ghulam Mohammed, J

Bench : Division Bench

Advocate : M. Venkateswari, for the Appellant; Deepak Bhattacharjee, S.C. for Osmania University for Respondent No. 1 and Mr. Y. Ashok Raj, Counsel for Respondent No. 2., for the Respondent

Final Decision : Dismissed

Judgement

Ghulam Mohammed, J.—This appeal is directed against the order dated 25.11.2010 passed in W.P. No. 24277 of 2000 by a learned single Judge of this Court, whereby the Writ Petition filed by the appellant questioning the appointment of the second respondent as Professor in the department of AIHC & A, Osmania University as contrary to the qualifications needed to the said post and for a consequential direction to the first respondent to appoint the appellant as Professor, was dismissed. The facts in brief are that the appellant and second respondent were working as Readers by the year 1993 in the Osmania University, first respondent herein. Pursuant to the notification issued by the University on 12.07.1993 inviting applications for the post of Professor in the Department of History, the appellant and second respondent had applied. The Selection Committee constituted for that purpose selected second respondent and the Board of Management accepted the recommendations. Consequently, second respondent was appointed as Professor, through order, dated 05.12.1994. The appellant challenged the same contending that the second respondent does not possess the basic qualifications for the post of Professor and still the first respondent selected and appointed him. He further contended that he possesses

the relevant qualifications mentioned in the notification and there is no justification on the part of first respondent in not appointing him as Professor.

2. The learned single Judge, while referring to the notification, dated 12.07.1993, observed that the University stipulated the qualifications for the post. The nomenclature of the post itself is the one in the Department of Ancient Indian History, Culture and Archaeology, which is basically in the department of History and it connotes with specialization in that subject. The word Archeology occurs together with Culture only to denote one of the areas of specialization. Since there was no restriction for submission of applications, the second respondent applied and the Selection Committee considered his case. The learned single Judge further observed that the various allegations made by the appellant as to the holding of qualifications by the second respondent are belied by the recitals in the order of appointment itself. It is clearly mentioned that the second respondent is a Post Graduate and a Doctorate from the Osmania University and from the fact that he was occupying the post of Reader discloses that he holds all requisite qualifications. The learned single Judge further observed that the Selection Committee is not made as a party and it is settled principle of law that the recommendations made by an expert body like a Selection Committee cannot be reviewed by this Court, unless any mala fides were attributed to the members thereof and ultimately dismissed the Writ Petition the appellant has since retired from service.

3. Smt. M. Venkateswari, learned counsel for the appellant contended that the notification itself is for filling up the post of Professor in Ancient Indian History, Culture and Archaeology and though the appellant is having vast experience in the said subject, he has been ignored, but whereas, the second respondent, who belongs to History Department and was not eligible to apply to the post at all, was selected.

4. As rightly observed by the learned single Judge, the Selection Committee is not made a party to the proceedings and it is settled principle of law that the recommendations made by an expert body like a Selection Committee, cannot be reviewed by this Court unless any mala fides were attributed to the members thereof. The second respondent is a Post Graduate and a Doctorate from the Osmania University and he was also holding the post of Reader in the University. Further, the present post required to be filled in belongs to the department of Ancient Indian History and the specialization was in the Ancient Indian History. When the Selection Committee selected the second respondent the appellant filed a complaint before the Upa Lokayukta of Andhra Pradesh in the year 1996 and the Upa Lokayukta by order dated 10.09.1996 dismissed the said complaint observing that as long as the practice of the University is found to be consistent and there is no favouritism shown and no violation of any established practice or law, this institution cannot find fault with the Vice Chancellor or Registrar and take any action against them and accordingly closed the complaint filed by the appellant as it does not require any further investigation into. It is to be noticed

that though the Upa Lokayukta dismissed complaint of the appellant in the year 1996, the appellant had chosen to file the Writ Petition in the year 2000 i.e. after lapse of four years and for that reason also this appeal is liable to be dismissed. During the course of arguments, it is brought to the notice of this Court that the appellant has retired from service and the contesting respondent is also going to retire very soon. For the aforesaid reasons, the Writ Appeal is devoid of any merit and the same is accordingly dismissed. No order as to costs.