

HIGH COURT OF ANDHRA PRADESH : AMARAVATI

MAIN CASE: W.A. No.276 of 2021

PROCEEDINGS SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
1	07.05.2021	<i>(Taken up through video conferencing)</i> <u>I.A.No.1 of 2021</u> This is an application to dispense with the requirement of filing certified copy of the order under challenge in this writ appeal. Prayer is allowed. I.A.No.1 of 2021 stands disposed of. <u>I.A.No.2 of 2021</u> Heard Mr. Srinivasa Rao Bodduluri, learned counsel for the appellant. Also heard the learned Government Pleader for Education for respondent No.2, Mr. N.A. Ramachandra Murthy, learned counsel appearing for respondent No.4, and Mr. Ponnayolu Sudhakara Reddy, learned Additional Advocate General representing Mr. Koppineedi Rambabu, learned standing counsel for respondent No.5. This is an application seeking leave to prefer appeal against the common order dated 05.03.2021 passed in W.P.No.23770 of 2017 and batch. This appeal is preferred in connection with W.P.No.22226 of 2018. The plea of the appellant is that he was not made party to the writ proceedings and yet, his appointment order came to be interfered with. W.A.No.214 of 2021 had also arisen against the said common order dated 05.03.2021 in respect of W.P.No.10813 of 2018. As the appellants therein were also third parties to the proceedings, an application, being I.A.No.2 of 2021, seeking leave to appeal was filed. In the said application, while granting leave, this Court had passed the following order on 08.04.2021: <i>"This is an application seeking leave to prefer appeal."</i>	

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		<i>Heard Mr. Motupalli Vijaya Kumar, learned counsel for the applicants/appellants.</i> <i>Also heard Mr. P. B. Vijaya Kumar, learned counsel for respondents 1 to 8, learned Government Pleader for Higher Education for respondent No.9, Mr. P. Venugopal, learned counsel for respondents 10, 11 and Mr. Addanki Ramachandra Murthy, learned Standing Counsel for respondent No.12.</i> <i>It is the contention of the learned counsel for the applicants/appellants that the learned single Judge had posed a question, namely, whether the reservations provided for deprived sections of the society and women, are applicable to the posts of Professors also and then recorded a finding that there will be no reservation for deprived sections of the society for the posts of Professors. He submits that though the appointments of the applicants/appellants, who were appointed as Professors, are not challenged in the Writ Petition, such appointments came to be interfered with.</i> <i>Having heard the learned counsel for the parties, we deem it appropriate to grant leave to prefer appeal.</i> <i>Leave is, accordingly, granted.</i> <i>I.A. stands disposed of.</i> <i>Registry will list this appeal for admission, on 15.04.2021"</i> Mr. Srinivasa Rao Bodduluri, learned counsel for the appellant, draws the attention of the Court to an order dated 17.12.2018 passed in I.A.No.2 of 2018 in W.P.No.20227 of 2018, wherein it was recorded that for the post of Professor, there is no reservation at all. It is also pointed out by him that in the common order under	

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		challenge, the learned single Judge had noted that reservation is provided for only to the posts of Assistant Professors and Associate Professors. He submits that in the appointment order, it was indicated that the appointment is subject to the decision/direction by any court of law. He further submits that there was no Court order indicating that appointment of the applicant/appellant would be subject to the result of the writ petition. Having heard the learned counsel for the parties, we deem it appropriate to grant leave to prefer appeal. Accordingly, leave is granted. I.A.No.2 of 2021 stands disposed of. <u>W.A.No.276 of 2021</u> In view of granting leave to appeal, this appeal is admitted. No formal steps are required so far as respondent Nos.2, 4 and 5 are concerned, as they are duly represented. Steps for service of notice upon respondent No.1 by registered post with acknowledgement due. Notice to respondent No.3 may be served upon Mr. P.S.P. Suresh Kumar, learned counsel, as he is stated to be the standing counsel. List this appeal along with W.A.No.214 of 2021. <u>I.A.No.3 of 2021</u> This is an application praying for grant of interim stay of operation of the order dated 19.04.2021 issued by the 5th respondent-University. Mr. Srinivasa Rao Bodduluri, learned counsel for the appellant, submits that in I.A.No.3 of 2021 in W.A.No.214 of 2021, by an order passed on 22.04.2021, this Court had suspended the order dated 05.03.2021 so far as it related to the appellants in the said appeal and that apart, the e-mails stated to have been issued cancelling the appointment of the appellants therein were	

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		also directed not to be given effect to and the appellants therein were allowed to continue in service until further orders. It is submitted that on 19.04.2021, the Registrar of respondent No.5-University had also issued orders cancelling the appointment of the appellant. On due consideration, we suspend the order dated 05.03.2021 in W.P.No.22226 of 2018 and batch so far as it relates to the appellant herein. The order dated 19.04.2021 stated to have been issued by the Registrar of respondent No.5-University, cancelling the appointment of the appellant, shall not be given effect to and the appellant shall be allowed to continue in service until further orders. ARUP KUMAR GOSWAMI, CJ C. PRAVEEN KUMAR, J MRR/IBL/Nn	

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