

ITEM NO.51

COURT NO.7

SECTION XIIA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C)

No. 13827/2015

(Arising out of impugned final judgment and order dated 19/03/2015 in  
WA No. 233/2011 passed by the High Court of Judicature at Hyderabad  
for The State Of Telangana And The State of Andhra Pradesh)

GOWDA RAJENDER

Petitioner(s)

VERSUS

M. RADHA KRISHNA AND ORS.

Respondent(s)

(With interim relief)

WITH

SLP(C) No. 13869/2015

[CH. SRAVANTHI V. DR. DAMAYANTHI AND ORS.]

(With application for permission to place additional documents on  
record and Interim Relief and Office Report)

SLP(C) No. 14033/2015

[CH. SRAVANTHI V. DR. VINATHA NAINI AND ORS.]

(With application for permission to place additional documents on  
record and Interim Relief and Office Report)

Date : 11/05/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s)  
In SLP 13827

Mr. P.P. Rao, Sr. Adv.  
Mr. Y. Raja Gopala Rao, A.O.R.  
Ms. Y. Vismai Rao, Adv.  
Mr. Hitendra Nath Rath, Adv.  
Mr. Sudheer Kumar Reddy, Adv.

In others

Mr. V. Giri, Sr. Adv.  
Mr. Ashish Rana, Adv.  
Mr. Shaveer Ahmed, Adv.  
Mr. Ashish Rana, A.O.R.

Signature Not Verified

For Respondent(s)  
Digitally signed by  
Kalyani Gupta  
Date: 2015.05.18

17:09:37 IST  
Reason:

Mr. D. Ramakrishna Reddy, Adv.  
Ms. D. Bharathi Reddy, A.O.r.

UPON hearing counsel the Court made the following

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O R D E R

Heard Mr. P.P. Rao and

Mr. V. Giri learned senior

counsel for the appellants.

Mr. Rao pointed out that the contesting private respondent namely, M. Radhakrishnan, S/o Sathiah, first respondent in SLP(C) 13827 of 2015 is no longer in the service of the State of Andhra Pradesh and since he has joined the Osmania University as Assistant Professor of Zoology. One other factor which the Division Bench has itself noted is that when the matter was pending before the Single Judge, during the pendency of the revision, the State Government constituted a Committee to look into the irregularities committed by the University by GORT NO. 82 dated 11th February, 2011. The Committee submitted its Report on 26th March, 2011. The State Government, based on the Report of the Committee, issued orders setting aside the selections for taking up the process afresh. It is further noted that while the selected candidates in Botany Department challenged the said Government Order and got stay of the operation and implementation of the same, the candidates of the Zoology Department did not challenge the said Government Order.

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Mr. V. Giri, learned senior counsel appearing for the petitioner in SLP(C) NO.13869 of 2015 submitted that the Government passed an order setting aside the selection made by the University which was the subject matter of challenge in the main proceedings. The same came to be passed when the subject matter of challenge was partly decided before the Division Bench.

Be that as it may, we find that the Division Bench after finding that Ordinance (2) was not followed by the Selection Committee in stricto sensu, the issue calls for fresh look and with that view it has given the

following direction in paragraph 43:-

"We are informed that the Selection Committee has made appointments of several persons on the basis of the recommendations made by the Executive Council and all those persons who were appointed by the very same Executive Council are working since last about 3 to 4 years and if we hold that the appointments of Dr. Sravanthy and Dr. Gowda are illegal for want of quorum that would seriously jeopardize the interest of all such appointments which were made by the Executive Council with the four members. We, therefore, observe that it would be open to the University, if they so desire and advised, and if the circumstances so demand, to place all such recommendations of the Selection Committee before the Executive Council afresh, duly constituted as per the provisions of Section 18 of the Act, and seek approval and confirmation of their appointments with effect from the date on which they were appointed."

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In the said circumstances, we are also convinced that the direction of the Division Bench does not call for interference.

However, we only wish to add that the said direction of the Division Bench should be carried out expeditiously preferably within two months in the interest of the institution and the student community. With the very same view, we also direct the status quo to be maintained pending the above said exercise is carried out by the University. We also direct the respondent University to carry out the exercise as directed by the Division Bench in the above said paragraph and conclude the same within two months from the date of production of a copy of this order.

It is needless to state that the order is being passed

in respect of the candidates who are parties to these proceedings.

The Special Leave Petitions are disposed of on the above terms.

[KALYANI GUPTA]  
COURT MASTER

[SHARDA KAPOOR]  
COURT MASTER

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