

I.A.No.2/2016 in
Petition(s) for Special Leave to Appeal (C) No(s).23696/2016
(Arising out of impugned final judgment and order dated 28/07/2016
in WP(PIL)No.6/2016 passed by the High Court Of Judicature At
Hyderabad For The State Of Telangana And The State Of Andhra
Pradesh)

STATE OF TELANGANA REP. BY ITS PRINCIPAL SECRETARY Petitioner(s)
VERSUS

D. MANOHAR RAO PROFESSOR FOR GENETICS (RETD.)& ORS. Respondent(s)
(For further orders, for permission to appoint Vice Chancellors
of the Universities under Article 142 of the Constitution of
India read with Order LV Rule 6 of Supreme Court Rules, 2013
and office report)

Date : 09/12/2016 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Mukul Rohtagi,AG

Mr. P. Vishwanatha Shetty,Sr.Adv.

Mr. P. Venkat Reddy,Adv.

Mr. Prashant Kr. Tyagi,Adv.

For M/s. Venkat Palwai Law Associates,Advs.

For Respondent(s) Mr. C.U. Singh,Sr.Adv.

Mr. Subodh Markandey,Sr.Adv.

Mr. B. Adinarayana Rao,Sr.Adv.

Mr. D. Bharat Kumar,Adv.

Mr. Tadimalla Baskar Gowtham,Adv.

Mr. Vishal Arun,Adv.

Mr. Rahul Agarwal,Adv.

Mr. Amit P. Singh,Adv.

Ms. Surbhi,Adv.

Mr. Merusagar Samantaray,Adv.

Ms. Lhingneivah,Adv.

Ms. Viddusshi,Adv.

Mr. D. Bharat Kumar,Adv.

Mr. Tadimala Baskar Gautham,Adv.

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UGC Mr. Manoj R. Sinha,Adv.

For Mr. R.P. Goyal,Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard learned counsel for the parties at a
considerable length.

We had, by order dated 29 th

August, 2016, stayed the
operation of the impugned judgment and order insofar as
directions contained in para 36- 3(b) and 3(d) were
concerned. We had, at the same time, directed that the
Vice-Chancellors currently holding office, shall continue
pending further orders from this Court or till the
completion of their tenure, whichever is earlier. We
had made it clear that with the striking down of Act
Nos.7 and 8 referred to in paragraph 36(1) of the
impugned judgment, the Governor of the State of Telangana
shall continue to exercise the powers of Chancellor of
the Universities.

The State of Telangana has now filed the present
I.A.No.2/2016, pointing out that out of 11 State
universities, 8 universities in Telangana have regular
Vice Chancellors while 3 universities are currently
looked after by an In-charge arrangement. Regular

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appointment of Vice Chancellors for these 3 universities have yet to be made. The application, therefore, prays for permission to the Government to appoint Vice Chancellors for the said three universities. Mr. Rohatgi, learned Attorney General, points out that in terms of the provisions of Andhra Pradesh Universities Act, 1991, a Search Committee, comprising a Nominee each from (1) the Executive Council; (2) the UGC; and (3) the State Government, has already been set up by the State Government, which is required to submit a panel of three names to the Government in alphabetical order. From among the three persons so recommended, the State

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Government is required to recommend the name of one person to be appointed as Vice Chancellor of each one of the three universities. He submits that since the matter is pending in this Court, the process of selection of suitable persons for appointment as Vice Chancellors, in terms of the provisions of the Act afore-mentioned, could be allowed to go on and taken to its logical conclusion and appointments made, subject to the outcome of these proceedings. He further states that although, the UGC regulations have not been adopted by the State of Telangana, yet, in order to bring fairness and objectivity to the process of selection of suitable persons and to allay any apprehension that persons without any academic background may be appointed, the State government is ready to follow by the conditions of eligibility prescribed by the UGC in terms of Regulation 7.3.0(i).

In the circumstances, therefore, and keeping in view the submissions made at Bar, we permit the State Government to continue with the process of selection of suitable candidates for appointment as Vice Chancellors of the three universities, where such appointments are due and to make such appointment keeping in view the requirement of the conditions of eligibility, set out in Regulation 7.3.0(i) of the UGC Regulations. We make it clear that appointments so made shall remain subject to the outcome of these proceedings.

List after winter vacations.

(Sarita Purohit)

(Suman Jain)

Court Master

Court Master

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ITEM NO.24 COURT NO.1 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(s) for Special Leave to Appeal (C) No(s).23696/2016
(Arising out of impugned final judgment and order dated 28/07/2016 in WP(PIL)No.6/2016 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

STATE OF TELANGANA REP. BY ITS PRINCIPAL SECRETARY Petitioner(s)
VERSUS

D. MANOHAR RAO PROFESSOR FOR GENETICS (RETD.)& ORS. Respondent(s)
(With appln.(s) for passing appropriate order or decree under article 142 of the constitution and office report)
(For final disposal)

WITH

SLP(C)No.23704/2016

(With Interim Relief and Office Report)

Date : 09/12/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Mukul Rohtagi, AG
Mr. P. Vishwanatha Shetty, Sr. Adv.
Mr. P. Venkat Reddy, Adv.
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For M/s. Venkat Palwai Law Associates, Advs.
For Respondent(s) Mr. C.U. Singh, Sr. Adv.
Mr. Subodh Markandey, Sr. Adv.
Mr. B. Adinarayana Rao, Sr. Adv.
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Mr. Tadimalla Baskar Gowtham, Adv.
Mr. Vishal Arun, Adv.
Mr. Rahul Agarwal, Adv.
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For Mr. R.P. Goyal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard learned counsel for the parties at a considerable length.

We had, by order dated 29 th

August, 2016, stayed the operation of the impugned judgment and order insofar as directions contained in para 36- 3(b) and 3(d) were concerned. We had, at the same time, directed that the Vice-Chancellors currently holding office, shall continue pending further orders from this Court or till the completion of their tenure, whichever is earlier. We had made it clear that with the striking down of Act Nos.7 and 8 referred to in paragraph 36(1) of the impugned judgment, the Governor of the State of Telangana shall continue to exercise the powers of Chancellor of the Universities.

The State of Telangana has now filed the present I.A.No.2/2016, pointing out that out of 11 State universities, 8 universities in Telangana have regular Vice Chancellors while 3 universities are currently looked after by an In-charge arrangement. Regular appointment of Vice Chancellors for these 3 universities have yet to be made. The application, therefore, prays for permission to the Government to appoint Vice Chancellors for the said three universities.

Mr. Rohatgi, learned Attorney General, points out that in terms of the provisions of Andhra Pradesh Universities Act, 1991, a Search Committee, comprising a Nominee each from (1) the Executive Council; (2) the UGC; and (3) the State Government, has already been set up by the State Government, which is required to submit a panel of three names to the Government in alphabetical order. From among the three persons so recommended, the State

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the UGC regulations have not been adopted by the State of Telangana, yet, in order to bring fairness and objectivity to the process of selection of suitable persons and to allay any apprehension that persons without any academic background may be appointed, the State government is ready to follow by the conditions of eligibility prescribed by the UGC in terms of Regulation 7.3.0(i).

In the circumstances, therefore, and keeping in view the submissions made at Bar, we permit the State Government to continue with the process of selection of suitable candidates for appointment as Vice Chancellors of the three universities, where such appointments are due and to make such appointment keeping in view the requirement of the conditions of eligibility, set out in Regulation 7.3.0(i) of the UGC Regulations.

We make it clear that appointments so made shall remain subject to the outcome of these proceedings.

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(Sarita Purohit)

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