

LISTED ON : 10.01.2017

COURT NO. : 01

ITEM NO. : 23

SECTION- XII A  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

**INTERLOCUTORY APPLICATION NO. 2 OF 2016**

(Application for further orders, for permission to appoint Vice Chancellors to the universities, under Article 142 of the constitution of India read with order LV Rule6 of Supreme Court Rules, 2013)

IN

**PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. 23696 OF 2016**

WITH

**PRAYER FOR INTERIM RELIEF**

THE STATE OF TELANGANA

REP. BY ITS PRINCIPAL SECRETARY

..PETITIONER

-VERSUS-

DR. D. MANOHAR RAO

PROFESSOR FOR GENETICS (RETD.) AND ORS.

..RESPONDENTS

**OFFICE REPORT**

The matter i.e. SLP (C) No. 23696 of 2016 above- mentioned was listed before the Hon'ble Court alongwith other connected matters on 29<sup>th</sup> August, 2016, when the Hon'ble Court was pleased to pass the following order:-

“Heard.

Issue notice.

Some of the respondents have entered appearance. Notice shall, therefore, be issued to the remaining respondents only.

Counter affidavit by the respondents be filed within six weeks.

Rejoinder, if any, be filed within four weeks thereafter.

Pending further orders from this Court, the operation of the impugned judgment and order insofar as directions contained in para 36- 3(b) and (d) shall remain stayed. We make it clear that the Vice-Chancellors currently holding office shall continue to do so pending further orders from this Court till the completion of their tenure whichever is earlier. We further make it clear that with the striking down Acts No. 7 and 8 referred to in para 36(1), the Governor of the State of Telangana shall continue to exercise the powers of the Chancellor of the Universities.

Post for final hearing on a non-miscellaneous day after the pleadings are complete.”

Subsequently, Interlocutory Application No. 2 of 2016 in the matter above-mentioned was listed before the Hon'ble Court on 9<sup>th</sup> December, 2016, when the Hon'ble Court was pleased to pass the following order:

“Heard learned counsel for the parties at a considerable length.

We had, by order dated 29<sup>th</sup> 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 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.”

Accordingly, Show Cause Notice was issued on 5<sup>th</sup> December, 2016 to all the Respondents. M/s. Venkat Palwai Law Associates, Advocates has on 7<sup>th</sup> December, 2016 filed additional documents with the leave of Hon’ble Court in I.A. No. 2 of 2016 and the same has already been included in the SLP paper-books.

It is further submitted that Mr. Vishal Arun, Advocate has on 8<sup>th</sup> December, 2016 filed Counter-affidavit on behalf of Respondent No. 1 in Interlocutory Application No. 2 of 2016 with the leave of the Hon’ble Court and the same has already been included in the SLP paper-books.

It is also submitted that Mr. Rameshwar Prasad Goyal, Advocate has 9<sup>th</sup> January, 2017 filed Vakalatnama/ Appearance on behalf of Respondent No. 2 and also filed a letter stating therein praying for adjournment for four weeks time for filing counter-affidavit on behalf of Respondent No. 2 – University Grants Commission. (A copy of letter dated 09.01.2017 is being circulated herewith for kind perusal of the Hon’ble Court.

Service in respect of Respondent Nos. 3 & 4 is awaited in I.A. No. 2 of 2016.

**Service Position of SLP is as under:**

It is submitted to the Hon’ble Court that there are 4 Respondents in the matter. Mr. Vishal Arun, Advocate has filed Vakalatnama/Appearance on behalf of Respondent No. 1 but no counter-affidavit has been filed so far. AD Card duly signed has been received from Respondent No. 4 but no one has entered appearance on his behalf. A period of more than thirty days has already elapsed from the date of issue of the notice by registered post, but neither A. D. Card nor unserved registered cover has been received back from the Respondent No. 3 so far.

Service is not complete on Respondent No. 3.

The aforesaid application in the matter is listed before the Hon'ble Court with this office report.

Dated this, the day of 9<sup>th</sup> day of January, 2017.

ASSISTANT REGISTRAR

Copy to:

1. M/s. Venkat Palwai Law Associates, Advocates  
State of Telangan, Telangana Bhavan, 1 Ashoka Road, Delhi- 01
2. Mr. Vishal Arun, Advocate, D-17, Kakateeya Apartments,  
Plot No. 86, I.P. Extension, Patparganj,, Delhi- 110092
3. Mr. Rameshwar Prasad Goyal, Advocate  
Ch. No. 4, Old Lawyer's Chamber's Block, Supreme Court

ASSISTANT REGISTRAR