

**IN THE HIGH COURT OF JUDICATURE, ANDHRA
PRADESH AT HYDERABAD**

PRESENT
THE HON'BLE SRI JUSTICE K.C.BHANU

W.P.No.21395 OF 2011

Date:29.07. 2011

Between:-

M.N.Udaya Kumar and others.

.. Petitioners

And

The Govt. of A.P., Higher Education (CE-I) Department, Hyderabad
and another.

.. Respondents

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in trying to fill up the available vacancies for the posts of Contract Lecturers from outsiders without considering petitioners' cases though they have worked as Contract Lecturers in various Government Degree Colleges in the previous academic years as illegal and arbitrary.

2. The petitioners were appointed as Lecturers in different subjects in different Government Colleges on contract basis. Some of them were replaced by regular Lecturers and some of them were discontinued for various reasons. While so, when there were number of vacancies in the colleges in different subjects, the petitioners and other similarly situated persons made representations to respondent

No.2 to consider their cases for re-appointment and renewal of their earlier contract appointments by taking into consideration their earlier services as Contract Lecturers. Respondent No.2 sent a proposal to respondent No.1 by letter, dated 06.05.2011, requesting the Government to accord permission to engage 1766 Contract Lecturers by both renewal of Contract Lecturers, who worked during the academic years 2010-11 and 2011-12, and also for making the direct appointment afresh including the 40 old existing Contract Lecturers disturbed on various reasons in the previous academic year and who could not be renewed due to break in contract and also the 25 working Contract Lecturers seeking transfers on various grounds. Respondent No.1 approved the request of respondent No.2 and issued G.O.Rt.No.435 Higher Education (CE-I-1) Department, dated 27.06.2011. Respondent No.2 issued proceedings, dated 29.06.2011, directing the colleges to renew the Contract faculties, who worked in their respective colleges during the academic years 2010-11 and 2011-12 as per the existing norms by the Selection Committee constituted for the said purpose. Respondent No.2 also issued a memo, dated 15.07.2011, calling for detailed information about the Contract Lecturers, who worked in their respective colleges for the previous academic years and disturbed/disengaged/discontinued due to various reasons for the purpose of re-engaging the Contract Lecturers afresh for the available vacancies. Respondent No.2 also issued proceedings, dated 22.07.2011, mentioning the guidelines to be followed in making fresh appointments for various posts including the candidates, who worked in the Government Colleges as Contract Lecturers. Basing on the representations of the petitioners, respondent No.2 sent a proposal to respondent No.1 to grant permission for not only renewing the existing Contract Lecturers but also to consider the cases of the previous Contract Lecturers, whose appointments cannot

be renewed on account of break in their services due to various reasons, which was approved by respondent No.1. Though the petitioners worked for different periods in different colleges in the previous years, the respondents are making appointments afresh from the outsiders without considering their case. Respondent No.2 is resorting to make fresh appointments without considering the petitioners' case in accordance with the proposal, as approved by respondent No.1. Their appointments could not be renewed due to break in their service for different reasons including replacement by regular Lecturers. Considering the fact that some of the employees were discontinued by replacement of regular Lecturers in the respective subjects while continuing the other Lecturers, who were appointed subsequently, the respondents decided to fill up the available posts with the previous contract Lecturers, whose appointments could not be renewed on account of such gap. The respondents are proceeding with fresh selection from outside candidates without considering their cases though the petitioners worked previously for different posts at different times. As per the Schedule, the cases will be finalized on 30.07.2011 and appointments will be made from 01.08.2011, and if the respondents are allowed to proceed with the selection of outside candidates without considering the case of petitioners, they will be put to irreparable loss. Hence, the writ petition.

3. Learned counsel for the petitioners contended that the Government issued G.O.Rt.No.435 Higher Education (CE-I-1) Department, dated 27.06.2011, to consider the case of the Contract Lecturers, who are disturbed on various reasons in the previous academic year and who could not be renewed due to break in the contract and they can be allowed to apply as a fresh candidate, but that has not been followed and hence, he prays to appoint the

petitioners as fresh candidates.

4. On the other hand, learned Government Pleader for respondent Nos.1 and 2 stated that to deal with the cases of contract in service, certain guidelines have been framed by giving weightage to those candidates in the selection process and the same has to be taken note by the appointing authority and hence, the respondents will act in accordance with the guidelines dealing with the situation.

5. The factual matrix is not in dispute. The petitioners are the Contract Lecturers, who were disturbed due to various reasons in the previous academic years, as a result, their contract of employment could not be renewed. To deal with such a situation, respondent No.2 issued letter, dated 06.05.2011, to treat those persons as fresh candidates and the same has been approved by respondent No.1 and issued G.O.Rt.No.435 Higher Education (CE-I-1) Department, dated 27.06.2011. According to the learned Government Pleader, certain guidelines were issued to deal with situation like the present one so that the interests of the petitioners would be safeguarded and some weightage marks were also prescribed to be allotted to such candidates. Therefore, the respondents are directed to consider the case of the petitioners and take appropriate decision in accordance with the guidelines issued by the respondents for appointing them as Lecturers on contract basis, if the petitioners applied for the posts and participated in the selection process.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

JUSTICE K.C.BHANU

29th July, 2011.

Note:- Furnish C.C.

by two days.
B/O
AMD

THE HON'BLE SRI JUSTICE K.C.BHANU

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AMD

