

IN THE HIGH COURT OF TELANGANA AT HYDERABAD

W.P.No.18683 OF 2023

Between:

Dr.M.Praveen Kumar

... **Petitioner**

And

The State of Telangana & others

... **Respondents**

JUDGMENT PRONOUNCED ON: 03.06.2024

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes
see the fair copy of the Judgment?

SUREPALLI NANDA, J

THE HON'BLE MRS JUSTICE SUREPALLI NANDA**W.P.No.18683 OF 2023****% 03.06.2024****Between:**

Dr.M.Praveen Kumar

... Petitioner**And**

\$ The State of Telangana & others

... Respondents

< Gist:

> Head Note:

! Counsel for the Petitioner : Mr.K.Lingam Goud**^ Counsel for Respondents** : G.P. for Higher
Education for R1.
Mr.P.Bhanu Prakash,
Ld.S.C. for Kakatiya
University for R2 & R3

? Cases Referred:

--

THE HON'BLE MRS. JUSTICE SUREPALLI NANDA**W.P. No.18683 OF 2023****ORDER:**

Heard Mr.K.Lingam Goud, the learned counsel appearing on behalf of petitioner, Learned Government Pleader for Higher Education appearing on behalf of respondent No.1 and Mr.P.Bhanu Prakash, learned Standing Counsel appearing on behalf of Respondent Nos.2 and 3 – Kakatiya University.

PRAYER:

2. **The Petitioner approached the Court seeking prayer as under :**

"...to issue an order or orders or direction or writ more particularly one in the nature of a Writ of Quo Warranto declaring that respondents No. 2 and 3 have made the appointments of 16 adjunct faculty members illegally vide proceedings dated 01.02.2023 which are in clear violation of the UGC Guidelines for Empanelment of Adjunct Faculty in Universities and Colleges as well as the State Government Orders, which is a violation of the essential principles of transparency, fairness and accountability in a democratic system and set aside the illegal appointment of 16 adjunct faculty and further direct the State Government/Chancellor to

take appropriate action against the persons responsible for the illegal appointment of the 16 adjunct faculty members and further direct the State Government / Chancellor to recover the public money paid to 16 adjunct faculty from responsible persons in the interests of justice and pass..."

3. The case of the Petitioner in brief as per the averments in the affidavit filed by the Petitioner in support of the present writ petition, is as under :

a) The University Grants Commission (UGC), New Delhi, has issued rules and regulations for the appointment of adjunct faculty in universities and colleges, which may be found in the public domain i.e., on the UGC website (https://www.ugc.gov.in/pdfnews/714006_Guidelines-panelment-of-Adjunct-Faculty-uni/and/Coll.pdf) for the Empanelment of Adjunct Faculty in Universities and Colleges). Universities and colleges can use these standards to recruit outstanding lecturers and teachers, academics, scholars, practitioners, skilled professionals, and researchers who have completed their formal affiliation with the university or college.

b) The petitioner acquired the information and guidelines from the respondent university under the Right to Information Act. The Kakatiya University authorities in Warangal have made appointments of 12 adjunct faculty members (Dr.V.Krishna Reddy, Department of Botany, Prof.N.Ramaswamy, Prof. A.Sadanandam, Department of Biotechnology, Prof. S.Ram Reddy, Department of Microbiology, Prof.Gangadhar Reddy, Department of Physics, Prof. Achaiah, Pharmacy, Prof. T.Srinivasulu, Prof.Ramayya, Engineering, Prof.Ramnath Kishan, Education, Sri Damodar Rao, Department of English; Dr.Anjaiah, Library Science, Prof.T.Srinivas Rao, Commerce) during the 144th Executive Council Meeting held on 30.01.2023. Further, the Kakatiya University appointed an additional four adjunct faculty members (Prof.Raghurama Rao, Pharmacy, Dr.Christophar, Department of Botany; Prof.Rajendra Prasad, Education; and Prof. Krishnamachary, Commerce) in another Executive Council Meeting held in March, 2023. These appointments were made in violation of established rules and without adhering to the guidelines for the appointment of adjunct faculty members as specified by the University Grant

Commission. The appointment of a total of 16 adjunct faculty members contrary to UGC norms reflects the unethical, authoritarian, ad hoc, and careless nature of the actions taken by Prof.Dr.T.Ramesh, Vice-Chancellor of Kakatiya University, Warangal. Aggrieved by the same, the petitioner filed the present writ petition.

4. PERUSED THE RECORD.

Counter affidavit has been filed by the Respondents 2 and 3, in particular, at paras 14 and 17, read as under:

"14. In reply to para No. 21 & 22: It is to humbly submit that as per the section 49 of the Telangana Universities Act, 1991 the Executive Council, which is Apex Body of the University, may authorize the creation and filling up of teaching posts for a period not exceeding one year and there would be no recurring liability on the government either immediately or in future due to appointment of adjunct faculty. Each adjunct faculty is being paid honorarium of Rs. 50,000/- per month, but not remuneration commensurate with their valuable services and rich experience. Therefore, it is most humbly submitted that the contention of the

petitioner is nothing but misleading the Hon'ble High Court.

17. It is to humbly submit that the intention of the University Administration in making the appointments of adjunct faculty was to protect the academic interest of the University and student community and to continue its existence despite so many short comings in the recruitment of teaching staff. It is to submit that because of the presence of adjunct faculty at the time of NAAC Peer Team visit the Kakatiya University could successfully get good grade with A+ for sustaining its academic credibility and research endeavours and to get guidance of enriched retired faculty for future generations. **It is to bring to the kind notice of the Hon'ble High Court the fact that, 7 adjunct faculty members out of 16 have already been relieved from their services and the term of other 7 adjunct faculty members will end by 31st January, 2024 and the term of remaining 2 adjunct faculty members will end by 12th May, 2024.**

DISCUSSION AND CONCLUSION:

5. **Section 49 of the Telangana University Act, 1991, reads as under:**

"49. The University shall not, without the prior approval of the Government, divert earmarked funds for other purposes or upgrade any post or revise the scales of pay of its staff or implement any scheme which involves any matching contribution from the Government or create a post or posts resulting in a recurring liability on the Government either immediately or in future.

Provided that for the existing teaching purposes the [Executive Council] may authorise the creation and filling up of posts of teachers for a period not exceeding one year but any such post or posts shall not be continued or created afresh for any period beyond the said period of one year without the prior approval of the Government."

6. A bare perusal of Section 49 of the Telangana University Act, 1991 clearly indicates that the Executive Council which is the Apex Board of the University may authorise the creation and filling up of teaching post for a period not exceeding one year and there would be no recurring liability on the Government either immediately or in future due to the appointment of Adjunct Faculty and exercising the said power, the respondent university made the subject appointments.

7. A bare perusal of the averments made at para No. 17 of the counter affidavit filed by respondent Nos.2 and 3 very clearly indicates that seven (07) adjunct faculty members out of sixteen (16) already have been relieved from their service and the term of other seven (07) adjunct faculty members ended by 31.01.2024 and the terms of remaining two (02) adjunct faculty members ended by 12.05.2024. A bare perusal of the averments made in the counter affidavit filed at para No. 17 very clearly indicate that the intention of the respondent university in making the appointments of adjunct faculty is to protect academic interest of the university and student community and to continue its existence despite so many shortcomings in the recruitment of teaching staff.

8. This Court opines that the allegations put forth by the petitioner in the present writ petition against the respondent university are totally baseless and without any merits.

9. Taking into consideration the aforesaid facts and circumstances of the case and duly considering the

averments made at para Nos.14 and 17 of the counter affidavit filed by the 2nd and 3rd respondent and also Section 49 of the Telangana University Act, 1991, the Writ Petition is dismissed since the same is devoid of merits. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

SUREPALLI NANDA, J

Date: 03.06.2024

Note : L.R. Copy to be marked.
B/o. *Yvkr/ktm*