

Supreme Court of India

Govt. Of A.P. vs M. Srinivasa Reddy And Ors. on 13 November, 1997

Equivalent citations: (1998) 8 SCC 765

Bench: S Agrawal, S R Babu

ORDER

1. Delay condoned.

2. Special leave granted.

3. We have heard the learned counsel for the parties.

4. This appeal arises out of a writ petition filed by the respondents who are employed as Associate Professors in the Andhra Pradesh Agricultural University, hereinafter referred to as "the University". They were claiming the benefit of the Merit Promotion Scheme which, according to them, is still in operation. The stand of the State Government, however, is that the Merit Promotion Scheme that was introduced by the University in 1984 had ceased to be in operation after 17-6-1987. Before the High Court, reference was made to the report of the House Committee constituted by the Deputy Speaker of the State Legislative Assembly which considered various questions relating to the working of the University, including the applicability of the Merit Promotion Scheme. The learned Single Judge, while allowing the writ petition, directed the appellant to pass an order giving effect to the recommendations of the House Committee within a period of two weeks. The letters patent appeal filed by the appellant against the said judgment of the learned Single Judge has been disposed of by the Division Bench of the High Court by the impugned judgment with the observation that the State Government is under an obligation to issue orders in conformity with the said report of the House Committee and the appellant has to issue orders in conformity with the House Committee report.

5. Shri Ram Kumar, the learned counsel for the appellant, has assailed the said direction given by the High Court. It has been urged that the State Government is not bound to accept the report of the House Committee and that the High Court was in error in issuing a writ directing the appellant to pass an order giving effect to the recommendations of the report of the House Committee. Shri L. Nageswara Rao, the learned counsel for the respondents, has submitted that the State Government was in error in proceeding on the basis that the Merit Promotion Scheme that was introduced by the University has ceased to be in operation in 1987. The learned counsel has invited our attention to the decision of this Court in *Rashmi Srivastava (Dr) v. Vikram University*, . Shri Nageswara Rao has also placed reliance on the resolution dated 20-11-1993 passed by the University. 6. We are unable to uphold the direction given by the High Court to the appellant to issue orders in conformity with the report of the House Committee. Since the State Government is not bound to accept the recommendations of the House Committee, the High Court could not issue a writ or direction in exercise of its jurisdiction under Article 226 of the Constitution directing the appellant to pass an order giving effect to the recommendations of the House Committee. It is open to the State Government either to accept or not to accept the recommendations of the House Committee. But, at the same time, we are of the view that the respondents can make a representation to the State

Government on the basis of the resolution dated 20-11-1993 passed by the University and point out that the Merit Promotion Scheme is still in operation and has not ceased to be in operation in (sic after) 1987. If such a representation is made by the respondents, the competent authority shall consider the same and pass appropriate order on the said representation keeping in view the law laid down by this. Court in Dr Rashmi Srivastava as well as the laws governing the University. Such order shall be passed within a period of three months of the submission of the representation. The appeal is disposed of accordingly. No order as to costs.