

DRAFT

THE HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

(Special original Jurisdiction)

PIL NO.: 2015

BETWEEN:

Forum for Good Governance,
(A non – profit organization registered vide registration No. 653 dt. 19.10.2009)
Having its registered office at Flat No. 204,
G. K. R. Mansion, Saifabad,
Lakdi – Ka – Pul, Hyderabad – 500 004
Represented by its Secretary, Sri M Padmanabha Reddy,
S/O Sri M Ganga Reddy, aged about 74 years,
Resident of Flat No. 204,
G. K. R. Mansion, Saifabad,
Lakdi – Ka – Pul, Hyderabad – 500 004

...PETITIONER

AND

1. The State of Telangana,
Rep. by its Chief Secretary,
Secretariat, Hyderabad.
2. Prl. Secretary to Government,
Higher Education Department,
Government of Telangana, Hyderabad.

...RESPONDENTS

AFFIDAVIT

I, M. Padmanabha Reddy, S/O Sri M Ganga Reddy, aged about 74 years, Occ: Retired Government Officer, and presently functioning as the Secretary of the Petitioner organization, resident of Flat No. 204, G. K. R. Mansion, Lakdi – Ka – Pul, Hyderabad do hereby swear under oath and sincerely affirm as follows:

1. I submit that I am a retired All India Services Officer, presently functioning as the Secretary of the Petitioner organization herein and as such I am well acquainted with the facts of this case and able to depose as follows:
2. I humbly submit before this Hon'ble Court, that this Public Interest Litigation is being filed questioning the non compliance of the respondents' in appointing Vice Chancellors for the 10 universities in the state of Telangana and functioning with less than 50% of the sanctioned teaching staff, in spite of repeated representations for the induction of Vice Chancellors being made, thereby negatively and gravely affecting the functioning of the universities and jeopardizing the future of students.
3. It is submitted that the Petitioner organization is a nonprofit organization registered vide registration No. 653 on 19-10-2009 founded by a few retired All India Service Officers and social activists who have all come together under the leadership of a Retired High Court Judge, with an objective to secure good governance at all levels, to resist the state abdicating its primary responsibility in providing good quality education and health services for all, build public opinion for the overdue electoral reforms, strive for enabling the various constitutional and autonomous institutions of the State to function effectively, campaign for the much-needed decentralization and reforms in administration etc. The organisation runs on the contributions from its founder members and other persons interested in furthering the cause of the forum. Copy of the certificate of registration dated 19.10.2009 is being herewith filed as **Annexure P 1** and it is prayed that the same be read as a part and parcel of this affidavit.
4. I hereby affirm and state on oath that the petitioner(s) herein has/have no personal interest in the subject matter of this petition. The petitioner(s) hereby undertake(s) to pay exemplary costs and/or compensatory damages as directed by this Court in the event of a contrary finding upon adjudication by the Court that the writ petition is filed for extraneous/personal considerations or with an oblique motive.

5. I submit that the details of the 10 Universities in Telangana State, functioning without Vice Chancellors, thereby negatively affecting the quality of education, management, results and output in these universities are as follows:

S. No.	University	Location	Year of establishment	Date from which, VC post is vacant
1	Osmania University	Hyderabad	1918	July 2014
2	Kakatiya University	Warangal	1976	May 2014
3	Mahatma Gandhi University	Nalgonda	2007	May 2014
4.	Telangana University	Nizamabad	2006	July 2014
5.	J.N.T.U.	Hyderabad	1972	Nov. 2014
6.	B.R. Ambedkar Open University	Hyderabad	1982	December 2013
7.	P.S. Telugu University	Hyderabad	1985	April 2015
8.	Palamuru University	Mahaboobnagar	2008	April 2015
9.	Satavahana University	Karimnagar	2006	April 2015
10.	Jawaharlal Nehru Architecture and Fine Arts	Hyderabad	-	More than 2 years

6. I submit that apart from Vice Chancellors the universities in Telangana state are working with less than 50% of the sanctioned teaching staff. Lack of Vice Chancellors and required teaching staff is gravely affecting the education and management of these universities, where due to lack of a proper head of the institution important decisions vis-à-vis educational curriculum, up gradation, teaching methodologies, examinations, declaration of results, recruitment of qualified and experienced teaching staff in effecting the functioning of these universities. Copies of letters (information) obtained from Potti Sriramulu Telugu University, Hyderabad, Satavahana University, Karimnagar and Kakatiya University, Warangal are being here with filed as Annexures 2,3 and 4 respectively, it is prayed that the same may be read as part and parcel of this affidavit.
7. I submit that, in absence of regular Vice Chancellors no centralized decisions are taken at these universities. All important administrative decisions are dealt with in an ad-hoc manner with absolutely no uniformity, no single point of contact, and importantly nobody to take responsibility for those decisions and having the institutions authority to act for the benefit of the institution. It is further submitted that since most of these universities are large universities catering to several thousands of students, they have several colleges accredited to them that function under their aegis, where the students of the colleges receive their degree certificates both academic and professional from these universities to which the individual college is accredited.
8. It is further submitted that since the acquisition, management and disbursement of funds is a chief function of the Vice Chancellor, Principals of colleges functioning under the aegis of these universities are finding it difficult to manage connected hostels. It is further submitted that the universities may lose funds from central agencies such as the University Grants Commission (“UGC”), with the proposals for projects, expansion, up gradation, and research at an almost standstill, with no centralized authority at each of these universities to make the final decision of pursuing these project proposals and finalizing them. Moreover, the National Assessment and Accreditation Council (NAAC) visit is pending in some universities and they would, in fact would be negatively affected if the NAAC finds that the functioning of these universities is not in order.
9. It is submitted that another debilitating problem for these universities is the serious dearth of teaching staff in many departments that not only undermines the quality of education being imparted but also negatively effects the departments making them ineligible to seek

funding from UGC as it is mandatory to have at least six regular teaching staff members to be eligible to apply for research projects from the concerned university to the UGC by the respective departments. It is further submitted that most of these universities have truncated and insufficient Executive Councils without the requisite quorum. Only about three government members are there on the Council as against 13 members. Since the Executive Council is the highest decision making authority of the university, an insufficient and truncated Executive Council would only hamper the activities of the university and negatively affect the quality of education and governance of these universities.

10. It is submitted that Osmania University which is one of the prestigious universities in the state was granted UPE (University with Potential for Excellence) status by the UGC under the 11th plan and Rs.50 crores were sanctioned and about Rs. 25 crores have been released for the said purpose. Presently, the UGC has appointed a Review Committee to examine the progress of research and developmental work under the aegis of the UPE programme at Osmania University. The absence of a regular Vice Chancellor may prove detrimental to the chances of the university in continuing the research work and to secure funding under the UPE programme.
11. I submit that the petitioner has made several representations to the authorities concerned for the immediate necessity to fill the posts of Vice Chancellors for the above mentioned universities. The 2nd respondent in his letter No. 2730/U.E &VC/2014-1 dated 28-10-2014 has informed the petitioner that the “File is under circulation for issue of notification to fill up the vacant posts of Vice Chancellors,” but till date no notification has been issued. Copy of the letter is being here with filed as Annexure 5 and it is prayed that the same may be read as part and parcel of this affidavit.
12. I submit that petitioner has also submitted a representation to Hon’able Chief Minister of Telangana on 25-3-2015 requesting the Hon’able Chief Minister to take immediate steps to appoint suitable persons as Vice Chancellors to universities and to take action to fill up all vacant posts of teaching staff for the above mentioned universities, but to this date, neither any reply nor any action has been initiated in this regard. Copy of the representation is being here with filed as Annexure 6 and it prayed that the same may be read as part and parcel of this affidavit.

13. I submit that the petitioner finally, submitted another representation to H.E. the Governor of Telangana, who is in fact also the 'Chancellor' of all universities in the state by virtue of his position, on 20-4-2015 with a similar request but, to no avail. Copy of the representation is being here with filed as Annexure 7 and it is prayed that the same may be read as part and parcel of this affidavit.
14. It is submitted and brought to the attention of this Hon'ble High Court that in many of these universities, senior I.A.S. officers, professors of other departments are holding additional charge and the same is becoming an insurmountable task with them not able to give the kind of attention that universities require, in addition to their existing administrative tasks/duties, thus bringing the administrative work of universities to grinding halt.
15. It is submitted that the academic year has just started and important decisions including entrance exams, admissions, cut-off marks etc., have to be taken so that the student community is well taken care of and lack of Vice Chancellors at this crucial stage is effecting student's academic life. In addition lack of even 50% of teaching staff would irreversibly affect the academic standing and merit of these universities. It is also brought to the attention of this Hon'ble court that the general practice in reputed institutions is that when the Head of the institution is due for retirement, 6 months prior to his/her retirement itself a search cum selection committee is constituted for selection of the most appropriate candidate to fill in the post of the Head/Vice Chancellor of the institution so that there is no gap..
16. I submit that, under these circumstances where the petitioner's representations for immediately starting the process of inducting regular Vice Chancellors to the above mentioned universities is yet to be considered, I am left with no other alternative remedy except to invoke the Extraordinary Jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India. I have not filed any other writ, suit or any other proceedings before any Court of Law or authority for the relief or reliefs sought for hereunder.
17. It is therefore respectfully prayed that this Hon'ble court in the interest of justice may be pleased to issue a writ direction or an order, more in the nature of writ of Mandamus.
 - i. Directing respondents One and Two to initiate action for appointment of V.C.s to the universities where there is no regular V.C.

- ii. Directing the respondents One and Two to initiate action to fill up all the sanctioned but vacant posts especially teaching posts.
- iii. Pass such other order or orders as this Hon'able court may deem fit and proper in the circumstances of the case and in the interest of justice

Deponent

Solemnly affirmed and signed
before me on the day of
June 2015 at Hyderabad.

Before Me

ATTESTOR