

**SUPREME COURT OF INDIA**

Telugu University

Vs.

C. Muralikrishna

C.A.No.20900 of 2002

(S. N. Variava and H. K. Sema JJ.)

08.10.2004

**ORDER**

1. Leave granted.
2. Heard parties.
3. This Appeal is against the order of the High Court dated 4th June, 2002.
4. Briefly stated the facts are that the post of Deputy Librarian fell vacant in the Petitioner-University. Interviews were held for the post. Respondent No. 4 (herein) was selected as Deputy Librarian.
5. The selection was challenged by the 1st Respondent (herein) by filing a Writ Petition in the High Court. That Writ Petition was to the effect that the selections were vitiated and that consequently the University should issue a fresh notification for filling up the post of Deputy Librarian.
6. The learned Single Judge dismissed the Writ Petition.
7. The 1st Respondent filed an Appeal which has been allowed by the impugned Judgment.
8. The 4th Respondent had filed a Special Leave Petition against this Judgment which was dismissed by this Court on 15th July, 2002.
9. In this Appeal all that has been challenged is the directions given by the High Court that the Appellant University should consider the candidature of the 1st Respondent (herein) for the post of Deputy Librarian and that they must appoint "one of them who is the most meritorious to the post of Deputy Librarian". It is submitted, and in our view, rightly that the prayer in the petition was that a fresh notification be issued. Therefore, the Division Bench could not have gone beyond the prayer directed appointment of one of these parties. The

Division Bench could only have set aside the selection and directed issuance of a fresh notification.

10. It is contended on behalf of 1st Respondent that the prayer in the Writ Petition was wider inasmuch as it is prayed that the Court could pass such other orders as may be just. In almost all petitions such wide prayers are included. But such a prayer has to be read in the context of the averments in the petition. As stated above the specific case was that a fresh notification be issued.

11. Before us a dispute was raised as to whether or not the 1st Respondent had applied for the post of Deputy Librarian. In our view, it is not necessary to go into this controversy. It is clear to us that a fresh selection takes place after issuance of a fresh notification. Therefore, we set aside the portion of the Division Bench order reproduced hereinabove and direct that a fresh notification be issued and fresh selection be made.

12. The Appeal stands disposed of accordingly. No order as to costs.