

(2016) 02 AP CK 0045

In the Andhra Pradesh High Court

Case No : W.P. Nos. 18270, 19493, 19861, 30314 and 30332 of 2010

Syed Saif Mohiuddin and others

APPELLANT

Vs

Osmania University, Hyderabad

RESPONDENT

Date of Decision : 11-02-2016

Acts Referred:

Citation : (2016) 4 AndhLD 516

Hon'ble Judges : A.V. Sesha Sai, J.

Bench : Single Bench

Advocate : K. Ramakanth Reddy, Counsel, for the Appellant; Deepak Bhattacharjee, Counsel, for the Respondent

Final Decision : Disposed Off

Judgement

A.V. Sesha Sai, J.—Since the petitioners herein share the common grievance in this batch of cases, this Court deems it appropriate to dispose of these writ petitions by way of this common order.

2. Heard Sri K. Ramakanth Reddy, learned counsel for the petitioners and Sri Deepak Bhattacharjee, learned Standing Counsel for the respondent university apart from perusing the material available before the Court.

3. According to the petitioners, they were appointed as Junior Assistants by the respondent University after duly following the required procedure. The respondent university by way of the impugned Order No.MR-168/25/85/Estt.I, dated 19.07.2010, decided to withdraw the appointments given to the petitioners herein on the ground that there is no recognition for the certificates produced by and the pre-university courses undergone by the petitioners are not equivalent to the two year intermediate course of Board of Intermediate and the Degree courses undergone by them are not recognised by the UGC and were not considered as equivalent to B.A. Degree of Osmania University.

4. The principal contention advanced by the learned counsel for the petitioners is that the respondent university passed the impugned order without being

preceded by any notice and opportunity of being heard to the petitioners herein. Though a counter affidavit is filed, the said counter filed by the respondent university, does not deny the same.

5. It is a settled and well established proposition of law that any action which has civil consequence shall necessarily be preceded by a notice and opportunity of being heard to the person likely to be effected by such action. In the instant case, as evident from the material available on record, the respondent university failed to adhere to the said principle, which in the considered opinion of this Court is a flagrant violation of the principles of natural justice. Therefore, without going into the other merits and demerits of the issue, this Court is inclined to set aside the impugned order on the ground of violation of principles of natural justice and to remit the matter to the respondent/university for fresh consideration, after giving notice and opportunity of being heard to the petitioners.

6. For the aforesaid reasons, writ petitions are allowed, setting aside the Order No.MR-168/25/85/Estt.I, dated 19.07.2010, and the matter is remitted to the respondent/university for fresh consideration and the respondent university is at liberty to proceed in accordance with law, after giving notice and opportunity of being heard to the petitioners herein. Miscellaneous Petitions, if any, shall stand disposed of. No order as to costs.