

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Contempt Case No.1480 of 2011

Dated 04th August, 2015

Between:

K.Sambaiah and others

...Petitioners

And

K.Vijayanand and others

...Respondents

Counsel for the petitioners: Sri G.V.Shivaji

Counsel for respondent Nos.1 & 2: Sri C.Raghu

Counsel for respondent No.3: Sri G.Vidyasagar

The Court made the following:

ORDER:

This contempt case is filed alleging wilful disobedience of order, dated 20.04.2011, in W.P.No.6626 of 2011.

I have heard Sri G.V.Shivaji, learned counsel for petitioners, Sri C.Raghu, learned counsel for respondent Nos.1 and 2, and Sri G.Vidya Sagar, learned counsel for respondent No.3.

The petitioners filed the above-mentioned writ petition for a mandamus to set aside proceedings in G.O.O.No.525/JS(Per)/2010, dated 31.12.2010, Memo No.CGM(A)/DS(A)/AS(P-T)/PO.D2/298/2006, dated 02.05.2007 and Memo No.JS(P)/DS(A)/AS(P-T)/PO.D2/298/2006, dated 14.07.2008. By the interim order, dated 20.04.2011, this Court has directed the respondents to consider the cases of the petitioners for appointment by way of transfer provided the Degrees/Diplomas they have obtained are

from a recognised University and further the Degrees/Diplomas have been duly recognised by the University. Alleging wilful violation of this order, the writ petitioners filed this contempt case.

Respondent No.1 has filed a counter affidavit, wherein he has *inter alia* denied violation of the order of this Court. He has averred that in due compliance with the order of this Court, he has considered the case of the petitioners and issued Memo bearing No.CGM(A)/DS(A)/AS(Panels)(Tech1.)/PO-C/6626/2011, dated 29.11.2011, rejecting the claims of the petitioners.

At the hearing, Sri G.V.Shivaji, learned counsel for the petitioners, strenuously submitted that though the respondents have accepted the Degrees/Diplomas obtained by several other candidates, similar to those obtained by the petitioners, they have shown discriminatory treatment among the petitioners and others. He has further submitted that Indira Gandhi National Open University (IGNOU) is a recognised University and that therefore, the Diplomas awarded by it are recognised which ought to have been accepted by the respondents.

In the Memo, dated 29.11.2011, respondent No.1 has enumerated various steps taken by APGENCO to ascertain whether the Diplomas produced by the petitioners are recognised by the competent authority. Having regard to the information received by him from All India Council for Technical Education which is stated to be the competent authority to recognise the Diplomas, respondent No.1 has rejected the cases of the petitioners.

At the hearing, it has come out that assailing the validity of the Memo, dated 29.11.2011, the petitioners have filed W.P.No.33710 of 2012 and that the same is pending.

From the perusal of the order, dated 20.04.2011, in W.P.No.6626 of 2011, it is evident that the learned Judge has not rendered a specific finding with regard to the acceptability or otherwise of the Degrees/Diplomas obtained by the petitioners. All that the

learned Judge has directed the respondents was to consider the petitioners' cases for appointment by way of transfer provided the Degrees/Diplomas obtained by them are from a recognised University and they are duly recognised by the University. There is no dispute about the fact that the petitioners' cases were considered. After such consideration, they were rejected. In the absence of a specific finding rendered by this Court in the order, dated 20.04.2011, that the Degrees/Diplomas obtained by the petitioners are recognised and they deserve to be accepted, rejection of the petitioners' claims after consideration cannot be said to be in violation of the order of this Court. Therefore, the respondents are not guilty of violation, much less wilful or deliberate violation of the said order.

In this view of the matter, I do not find any merit in this contempt case and the same is accordingly dismissed, however, without prejudice to the contentions raised by the petitioners in the two pending writ petitions.

The respondents are accordingly discharged from the contempt proceedings.

As a sequel to dismissal of the contempt case, Application No.922 of 2011 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

04th August, 2015
VGB