

HIGH COURT OF ANDHRA PRADESH:: HYDERABAD

MAIN CASE No: **W.P.No.5451 of 2010**

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
03)	31-05-2010	<u>CVNR, J</u> <u>WP.No.5451 of 2010</u> Separate counter-affidavits have been filed on behalf of respondent Nos.2, 3 and 5. From the counter-affidavit filed by respondent No.5, it is evident that on the permission given by respondent No.3, the petitioner along with several other persons were permitted to appear for examination in Environmental Education. In the reply-affidavit filed by the petitioner, it is stated that in pursuance of the said permission, the petitioner appeared and was qualified in the said subject. In support of the said averment, the petitioner filed copy of memorandum of marks, dated 30-04-2010. These facts have not been disputed by any of the learned Counsel appearing for the respondents. From these facts, I find <i>prima facie</i> case and balance of convenience in favour of the petitioner to pursue her B.A., Degree course pending resolution of the dispute raised in the Writ Petition. Accordingly, the Writ Petition is admitted. Rule Nisi. Call for records. Notice returnable in four weeks. <u>C.V.Nagarjuna Reddy, J</u> <u>WPMP.No.7012 of 2010</u> Respondent No.3 is directed to declare the petitioner's result of the first year B.A. degree examinations and permit her to pursue the B.A., degree course, pending further orders. <u>C.V.Nagarjuna Reddy, J</u>	
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The learned single Judge found that respondents 2 to 4 in the Writ Petition were not eligible to be promoted and they had been promoted although they were ineligible.

Respondents 2 to 4 have, now, filed an appeal with a delay of 164 days. Let the respondents file their counter to the application for condonation of delay in filing the said appeal.

There has been no stay of the judgment of the

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learned single Judge. But the judgment of the learned single Judge is not being implemented from 29-12--2004. On last occasion also, we have told the learned Counsel for the appellant that the judgment needs to be implemented, and today, she has produced a copy of the letter received by Sri K.Srinivasa Murthy, Advocate. This letter is nothing but an attempt to defeat the judgment of this Court in avoiding to consider the case of the writ petitioner for promotion. The relevant portion of this letter reads as under:

‘Once the vacancies are cleared, we are interested to consider the case of Mr.D.Harinatha Reddy, as it was submitted to the Court. Hence, we request you to put forth

(P.T.O.,)

BN, J & GC, J
(Contd...)

the above information before the Court and request learned Judge to give time up to March, 2006. We request you to use your good office to appraise the Court and to protect Bank’s interest’.

This letter merely says that once the vacancies were cleared, the Bank was interested to consider the case. It nowhere shows any urgency to implement the order of the Court. Vacancies can be cleared after decade or two decades. Therefore, we feel that the appellant in this appeal is, prima facie, in Contempt of this Court.

Issue notice to the appellant-Sri

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P.Gopala Krishna Chairman, Sri Venkateswara Grameena Bank, Chittoor,
as to why Contempt Proceedings be not initiated against him. He shall file counter within two weeks and shall remain present on the next date of hearing.

List on 21-03-2006.

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BN, J & SAR, J
Application No.122 of 2006

BN, J & SAR, J

Application No.122 of 2006

This application has been filed by respondent No.3-applicant seeking extension of time and also seeking prayer that the respondents should give a set off for Rs.93,31,706/- (Rupees ninety three lakhs thirty one thousand seven hundred and six only) which according to him are the losses suffered by him.

That is a matter, which will have to be gone into before taking a decision on

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be gone into before taking a decision on the question whether the petitioner suffered any losses and if so, whether he is entitled to recover those losses in these proceedings. Therefore, at this stage, we cannot allow the prayer of the applicant that he should be permitted to deposit only Rs2,06,68,294/- (Rupees two crores six lakhs sixty eight thousand two hundred and ninety four only) and not Rs.3.17 crores.

At this stage, the learned senior Counsel appearing for the applicant submits that the applicant has no objection if the property is put to fresh auction, but it should not be taken as adjudication of his claim to the compensation and losses.

BN, J & SAR, J
(Contd...)

This issue will be decided after a counter is filed to the present application.

As far as the extension of time is concerned, the request of the applicant is rejected and the official liquidator is at liberty to put the property to fresh auction as the applicant has also conceded that fresh auction may be allowed. The applicant also will be entitled to participate in the fresh auction. The Earned Money Deposit (EMD) already paid by the applicant to the extent of Rs.17 lakhs, when the property was put to auction earlier, may be returned to the applicant.

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