

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

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.39541 OF 2014

DATED:30.1.2015

Between:

N. Kurmaiah
and another

... Petitioners

And

The High Court of Judicature at Hyderabad
For the State of Telangana and the State of Andhra Pradesh
Rep. by its Registrar (Recruitment)
High Court at Hyderabad
High Court Buildings
and another

... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION NO.39541 OF 2014

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ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

After hearing the learned counsel for the parties, we think that this Court should not examine this matter on merit now. The petitioners have been reverted rightly or wrongly from a superior post to an inferior post. This was done admittedly without giving a hearing or even without issuing any notice to them. According to us, if any decision is taken by the learned District Judge, which has got affectation of civil right consequently visit evil consequences, hearing should be given.

We therefore permit the petitioners to make a comprehensive representation within a period of two weeks from date and in the event such a representation is made, the learned District Judge shall give personal hearing to the petitioners and pass a fresh order within three weeks thereafter. The learned District Judge will decide the matter in accordance with law afresh without being influenced by the earlier decision. However, after considering the contentions of the petitioners, he may reverse, nullify, vary or retain the same order, as the situation would permit. In the event, no such representation is made, the issue will be a closed chapter. Obviously, the learned District Judge will pass a speaking order in the matter and till a decision is taken in

the matter in terms of this order, if the impugned order is not implemented as on today, it should not be implemented. Even if it is implemented, it would abide by the result of the fresh decision so to be taken by the learned District Judge. We record that we have not decided anything on the merits of the matter.

The writ petition is accordingly disposed of.

Consequently, the miscellaneous applications, if any pending, shall also stand closed. No order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

30.1.2015

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