

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.10462 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the impugned Proc.Rc.No. A4/1131/2016/GIA, dated 9-3-2016 issued by the District Educational Officer, Adilabad as illegal, arbitrary, unjust and subversive of Articles 14, 16 and 21 of the Constitution besides being opposed to all principles of natural justice, equity and fair play and consequently hold that the respondents have no authority to recover any excess payments made earlier pursuant to Act 37 of 2005 in view of statutory provision incorporated under Section 4 (1) of the said Act 37 of 2005 with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri D.Balakishan Rao, learned counsel, appearing for the petitioners and learned Government Pleader for Higher Education, appearing for the respondents.

3. The only grievance in the present writ petition is that without issuing any notice and without giving opportunity of being heard to the petitioners, respondents herein are seeking to recover the amounts from the petitioners.

4. On the otherhand, it is submitted by the learned counsel for the respondents that the respondents would proceed with recovery of the amount only after issuing notice and only after giving opportunity of being heard to the petitioners in accordance with law.

5. Recording the said submission, Writ Petition is allowed, setting

aside the impugned proceedings Rc.No.A4/1131/2016/ GIA, dated 09.03.2016, keeping it open for the respondents herein to proceed with recovery of the amount, in accordance with law, only after issuing notice to the petitioners herein.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

30.03.2016

SS