

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice M.S.K.Jaiswal

Contempt Case No.1709 of 2016

Date: 17.11.2016

Between:

DVV.Nageshwara Rao and 5 others

.. Petitioners

and

Sri MV.Satyanarayana
Commissioner of Intermediate Education
Hyderabad

.. Respondent

Counsel for the Petitioners : Mohd.Islamuddin Ansari
for Mr.Ghanta Sridhar

Counsel for the respondent: AGP for Services (AP)

The Court made the following:



Order : (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Contempt Case is filed alleging willful disobedience of Order, dated 11-03-2016, in WP.No.23210 of 2015, by the respondent.

By the afore-mentioned order, this Court has confirmed Order, dated 28-04-2015, in OA.No.602 of 2014, on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, (for short 'the Tribunal') whereunder the order of the respondent, rejecting the petitioners' claims for promotion on the sole ground that the Post Graduation Certificates issued by the Madurai Kamaraj University in their favour cannot be treated as legal and valid, was set aside.

While disposing of the aforesaid Writ Petition, this Court has referred to UGC Notification, dated 22-09-2014, wherein it was clarified that Institutional Recognition for academic year 2007-2008 to offer programmes through distance mode was accorded to the Madurai Kamaraj University. This Court, while observing that there is ambiguity in the last Paragraph of Notification, dated 22-09-2014, issued by the UGC as to what was the territorial jurisdiction of Madurai Kamaraj University when Institutional Recognition was issued, left the respondents

free to seek clarification from the UGC as to whether it has recognised the Certificates issued by the Madurai Kamaraj University to the persons residing outside the State of Tamilnadu during various years commencing from 2006-07, during the process of reconsideration. It was further directed that depending upon the clarification of the UGC, the respondents in the Writ Petition shall decide as to whether the Certificates obtained by the petitioners shall be treated as valid or not. Complaining that this order has not been complied with by the respondent, the Writ Petitioners filed this Contempt Case.

It is alleged in the Contempt Case that instead of reconsidering the petitioners' claim based on the clarifications obtained by them from the Madurai Kamaraj University, the respondent has constituted a fresh DPC without obtaining clarification from the UGC.

The respondent filed a counter-affidavit wherein it is *inter alia* stated that in pursuance of the order passed by this Court, applications have been called for from eligible non-teaching staff for promotion to the posts of Junior Lecturers; that a Committee has been appointed to scrutinize all the applications

in view of the Court directions as well as to look into the validity of the Post Graduation Certificates obtained through distance mode from other States having regard to the territorial jurisdiction policy; that the Committee has fixed the UGC public notice, dated 27-06-2013, as cut-off date for eligibility on territorial jurisdiction to conduct DPC under 10% quota and to prepare a fresh list of eligible candidates as per seniority along with the petitioners during the panel year; and that subsequently, all the applications were scrutinised and a panel along with the DPC notes is also prepared for approval. The respondent further submitted that as he had to leave for New Delhi to attend an urgent official meeting on Unified Service Rules, being in charge of the post of the Commissioner of Intermediate Education, he did not hold the DPC meeting and that the same will be completed within a month.

The learned Assistant Government Pleader for Education submitted that the DPC meeting was held and that all the petitioners except petitioner No.5 have been selected and promoted as Junior Lectures on 13-11-2016.

The learned Counsel for the petitioners submitted that the respondent has not followed the directions issued by the

Tribunal and confirmed by this Court in its true letter and spirit.

From the facts noted above, it is clear that this Court has only confirmed the order of the Tribunal with certain observations regarding the eligibility of the petitioners with reference to the UGC guidelines in the process of reconsideration of their claims for promotion and that in that context, it has also permitted the respondent to seek clarification from the UGC.

The learned Counsel for the petitioners submitted that the procedure followed by the respondent has given scope for an *inter se* seniority dispute between the petitioners on one side and certain third parties, who were included in the panel after disposal of the Writ Petition, on the other side.

The above submission of the learned Counsel for the petitioners cannot be considered in this Contempt Case, because if the petitioners are not satisfied with the procedure adopted by the respondent in the process of reconsideration and the same has affected the seniority of the promoted petitioners, it gives rise to a fresh cause of action and the same does not fall within the scope of the Contempt Case. Similarly,

if petitioner No.5 is aggrieved by his non-selection, he can only avail a fresh legal remedy. We are, therefore, of the opinion that the alleged failure of the respondent to follow proper procedure while reconsidering the cases of the petitioners does not constitute contempt of the order passed by this Court.

Hence, we find no merit in this Contempt Case and the same is, accordingly, dismissed.

(C.V.Nagarjuna Reddy, J)

(M.S.K.Jaiswal, J)

Dt: 17th November, 2016
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