

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28622 OF 2017

ORDER:

This writ petition is filed against Memo No.CGM (HRD)/GM (Admn.)/AS (Estt.)/PO-B/502/2017, dated 09.05.2017, wherein the petitioner was asked to show cause as to why the proceedings No.SP.O.O (CGM-HRD) Rt.No.122, dated 10.02.2017 shall not be withdrawn by which the petitioner was promoted to the post of Assistant Divisional Engineer.

Sri M.Surender Rao, Learned Senior Counsel for the petitioner submits that petitioner obtained B.Tech. degree obtained under CCC (Correspondence cum contact) which is a qualification recognized by virtue of TOO Ms.No.83, dated 17.04.2015. He also submits that though T.O.O (Addl.Secy-Per) Ms.No.134, dated 11.09.2008 is adopted by the respondents, AICTE approval is not required for the universities established by a State Act or Central Act as held in ***Bharathidasan University and another v. All India Council for Technical Education and others*** in Civil Appeal No.2056/1999.

On the other hand Sri G.Vidyasagar, appearing for respondents submits that in view of the interim order dated 25.10.2016 passed by this Court in WP.MP.No.44465/2016 in WP.No.36087/2016, it became necessary for the respondents to issue the present Memo and it is for the petitioner to submit explanation to the said memo. He also submits that petitioner has

not challenged TOO.Ms.No.134, dated 11.09.2008 as adopted by the TSSPDCL in COO.Jt.Secy(IR) Ms.No.377, dated 27.09.2008.

In this case, it is to be seen that the impugned Memo is nothing but show cause notice issued to the petitioner. Normally, this Court will not interfere at the stage of show cause notice, unless it is without jurisdiction or against any provisions of any Act or Rules made there under. The case of the respondents is that the promotion of the petitioner is not in terms of TOO.Ms.No.134 dated 11.09.2008. More so, the contention of the learned counsel for the petitioner that the course does not require any AICTE approval can be urged before the concerned authorities as already petitioner submitted his explanation to the notice. In view of the same, I do not see any reason to entertain the writ petitioner. However, respondents are directed to consider the explanation of petitioner and **pass** orders if not already passed after giving opportunity of hearing.

Subject to above observations, the writ petition is dismissed.
No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

24.08.2017
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A.RAJASHEKER REDDY,J