

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL No.169 OF 2017

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

This is an unfortunate case where the respondent pursued her education in a fake university and on the strength of the qualification obtained by her from that University, she was appointed as a Record Assistant in the Nizam's Institute of Medical Sciences, Hyderabad, (*hereinafter*, 'the Institute'), in the year 1987. Pursuant to the promotions secured by her, she was holding the position of Senior Computer Assistant when disciplinary proceedings were initiated against her. These disciplinary proceedings were based on a notification issued by the University Grants Commission, New Delhi, declaring the University from which she acquired her Degree qualification to be a fake University. The charge against her in the disciplinary proceedings was that she had furnished B.Com. Degree certificate issued by a fake University to secure employment. Upon completion of the enquiry holding to the effect that the charge against her was proved, she was visited with the punishment of reduction to the lower post of Record Assistant with the minimum of the pay scale attached to the said post, *vide* order dated 30.11.2001. Aggrieved thereby, she filed an appeal but met with failure when the Executive Board of the Institute rejected it, *vide* Note dated 08.11.2002. She thereupon filed W.P.No.7324 of 2003 before this Court. By order dated 30.11.2016, a learned Judge of this Court allowed the writ petition and set aside the order of punishment holding that the respondent-writ petitioner was entitled to all consequential benefits. Aggrieved thereby, the Institute and its officials filed this writ appeal.

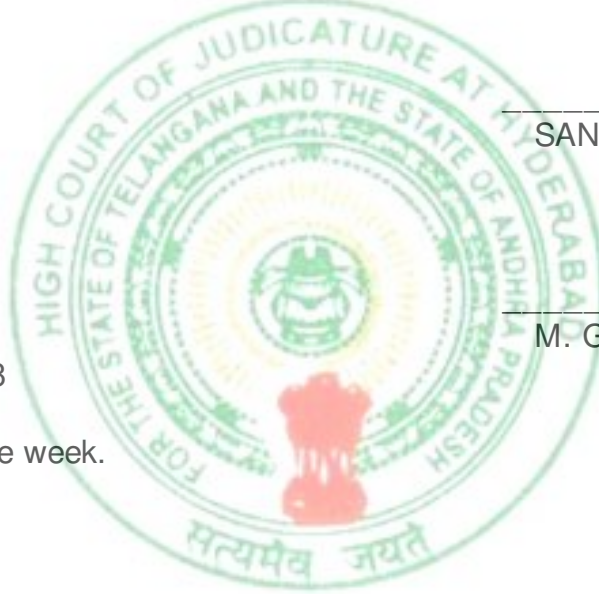
By order dated 08.08.2018, this Court took note of the fact that the respondent-writ petitioner acquired the qualification of B.A. degree through distance education from Dr.B.R.Ambedkar Open University, Hyderabad, in the interregnum. As this fact had some impact in the matter, this Court required the presence of the Director of the Institute, and he is present in person today.

Upon a query being put as to whether the Institute would be willing to take note of this development and extend some grace to the respondent-writ petitioner, the learned Government Pleader for Services, State of Telangana, having consulted the Director of the Institute, would state that the Institute is willing to recognize the qualification acquired by the respondent-writ petitioner in November, 2003, from Dr.B.R.Ambedkar Open University and treat her as a Senior Computer Assistant with effect from that date. Learned Government Pleader would also fairly accept the claim put forth by Sri V.Ravi Kiran Rao, learned counsel appearing for the respondent-writ petitioner, that she would be entitled to all monetary benefits from that date. He would however point out that in the interregnum, several others were promoted as Senior Computer Assistants and therefore no seniority can be extended to the respondent-writ petitioner from a date anterior to November, 2003.

We find merit in this submission as such promotees are not even before this Court and they cannot be adversely affected by any order passed in this appeal. However, as the respondent-writ petitioner admittedly rendered continuous service to the Institute since her initial recruitment in the year 1987, we are of the opinion that such service cannot be brushed aside for all purposes and must be taken into account while computing her pensionary benefits at the time of her retirement.

The writ appeal is accordingly disposed of directing the appellant authorities to reckon the services of the respondent-writ petitioner as a Senior Computer Assistant from the date she acquired the B.A. degree from Dr.B.R.Ambedkar Open University, Hyderabad, in November, 2003. It is made clear that she would not be entitled to any seniority on the strength of the services rendered by her prior to the said date but the said service shall be taken into account while computing her pensionary benefits at the time of her retirement.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR,J

M. GANGA RAO, J

Dt: 05.09.2018

Note:-

Issue CC in one week.

(B/o)

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