

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE TWENTY NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

**I.A.NO.1 OF 2020
IN
WRIT PETITION NO. 8761 OF 2013**

Between:

1. The Government of Telangana, Rep. by it Principal Secretary, Higher Education Department, Secretariat, Hyderabad.
2. The Commissionerate of Collegiate Education, Rep. by its Commissioner, Hyderabad, Telangana.

...APPELLANTS/RESPONDENTS

AND

1. Syed Baba Moinuddin Quadri, S/o. Syed Kareemuddin Quadri, Aged about 55 years, Occ: Lecturer, R/o W.No. 24692/1/3, Haraj Penta, Kachiguda, Hyderabad.

...RESPONDENT/WRIT PETITIONER

2. Oriental Urdu College, Rep. by its Correspondent, Himayathnagar, Hyderabad.

...RESPONDENT/RESPONDENT

Petition under Order 47 Rule (1) R/w. Section 114 of CPC praying that for the reasons stated in the Memorandum of Grounds filed in support thereof, the High Court may be pleased to review its order dated 01/10/2019 in W.P. No 8761/2013.

This petition coming on for hearing, upon perusing the petition and the Memorandum of grounds filed in support thereof and upon reading the Order dated 01.10.2019 in W.P.No.8761 of 2013 and upon hearing the arguments of GP for Higher Education on behalf of Review Petitioners and of Smt. M. Shalini, Counsel for Respondent No,1 and of Sri M. M. Firdos, Counsel for Respondent No. 2, the Court made the following ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

**I.A.No.1 of 2020
in
WRIT PETITION No.8761 of 2013**

ORDER:

This Review I.A.No.1 of 2020 is filed by the petitioners, who are respondent Nos.1 and 2 in the writ petition, under Order 47, Rule (1) r/w. Section 114 of C.P.C., seeking to review the order dated 01.10.2019 passed by this Court in W.P.No.8761 of 2013.

The petitioners herein are respondent Nos.1 and 2, respondent No.1 is the writ petitioner, and respondent No.2 is respondent No.3 in the writ petition. For the sake of convenience, the parties in this review application are referred to as they are arrayed in the writ petition.

The writ petition was disposed of vide order dated 01.10.2019 directing respondent No.2 therein to implement the G.O.Rt.No.983, dated 20.12.2012 preferably within a period of two months from the date of receipt of a copy of the said order.

Learned Government Pleader for Higher Education appearing for the review petitioners had contended that initially, though the State Government has issued G.O.Rt.No.983, dated 20.12.2012 in favour of the writ petitioner, after issuance of the said G.O., the respondents

have realized that the writ petitioner was promoted to the post of Principal of respondent No.3 – College without having the requisite qualification prescribed in G.O.Ms.No.47, dated 14.05.2007. The learned Government Pleader had drawn attention of this Court to A.P. Collegiate Education Service Rules issued vide G.O.Ms.No.47, dated 14.05.2007, as per which the post of Principal falls under Class-C, Category-1, which prescribes that the said post is liable to be filled up by way of promoting the candidates (i) possessing the qualification of Master's Degree with 55% marks and above or its equivalent Degree or Grade of 'B' in the 7 point scale with letter grades O, A, B, C, D, E & F, obtained from the Universities recognized in India; (ii) must also possess Ph.D. or equivalent qualification; and (iii) an experience of 15 years of teaching as a Lecturer in Government Oriental College.

Admittedly, in the instant case, the writ petitioner is not possessing Ph.D. qualification and hence the question of implementing the orders issued in G.O.Rt.No.983, dated 20.12.2012 would not arise. Learned Government Pleader for Higher Education appearing for the review petitioners, therefore, had contended that order dated 01.10.2019 passed by this Court in W.P.No.8761 of 2013 is liable to be recalled and the writ petitioner is not entitled for promotion to the post of Principal.

On the other hand, learned counsel for the writ petitioner had contended that respondent No.2 –

Commissioner of Collegiate Education has recommended the case of the writ petitioner to respondent No.1 – Government and acting on the said recommendations only, respondent No.1 has issued G.O.Rt.No.983, dated 20.12.2012 and the writ petition was disposed of basing on the submissions made by the learned Government Pleader for Higher Education that the State Government had already issued instructions to respondent No.2 - Commissioner of Collegiate Education to implement the said G.O.Rt.No.983, dated 20.12.2012 and also issued Memo dated 27.08.2013 and that respondent No.2 would take appropriate steps for implementation of the said G.O. Learned counsel for the writ petitioner had further contended that G.O.Ms.No.47, dated 14.05.2007 is applicable only to the State Government employees, as the said G.O. was issued in exercise of the powers conferred under Article 309 of the Constitution of India and the said G.O. is not applicable to the employees of Aided Colleges. He further contends that an application under Right to Information Act was filed by the writ petitioner seeking clarification as to whether G.O.Ms.No.47, dated 14.05.2007 is made applicable to the Aided Colleges, for which the respondents have informed the writ petitioner on 20.04.2014 stating that the said G.O.Ms.No.47, dated 14.05.2007 is not applicable in respect of the Aided Colleges and hence the question of not considering the case of the writ petitioner on the ground of not possessing Ph.D. qualification is an after-thought and, therefore, the review application is liable to dismissed.

This Court, having considered the rival submissions made by learned counsel for the respective parties, is of the considered view that respondent No.1 - State Government has issued G.O.Rt.No.983, dated 20.12.2012 basing on the recommendations made by respondent No.2 - Commissioner of Collegiate Education, and also issued Memo dated 27.08.2013 directing respondent No.2 to implement the orders issued in the said G.O.Rt.No.983, dated 20.12.2012, and the writ petition was disposed of at the instance of the learned Government Pleader for Higher Education that the State Government had already issued instructions to respondent No.2 - Commissioner of Collegiate Education to implement the said G.O.Rt.No.983, dated 20.12.2012 and also issued Memo dated 27.08.2013 and that respondent No.2 would take appropriate steps for implementation of the said G.O. Therefore, the review petitioners cannot now contend that the writ petitioner is not entitled for promotion to the post of Principal in terms of the orders issued in G.O.Ms.No.47, dated 14.05.2007. Further, pursuant to the query raised by the writ petitioner under Right to Information Act, the respondents have replied on 24.04.2014 stating that the orders issued in G.O.Ms.No.47, dated 14.05.2007 are not applicable in respect of Aided Colleges.

Therefore, there are no grounds to review the order dated 01.10.2019 passed by this Court in W.P.No.8761 of 2013 and the review application is liable to be dismissed.

Accordingly, review I.A.No.1 of 2020 in W.P.No.8761 of 2013 is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR
SECTION OFFICER

- To,
1. One CC to M/s. M. Shalini, Advocate [OPUC]
 2. Two CCs to GP for Higher Education, High Court for the State of Telangana at Hyderabad. [OUT]
 3. One CC to Sri M. M. Firdos, Advocate [OPUC]
 4. Two CD Copies.
- MP
OK

HIGH COURT

DATED:29/01/2021

ORDER

I.A.NO.1 OF 2020

IN

WRIT PETITION NO. 8761 OF 2013



DISMISSING THE REVIEW PETITION

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[Signature]
10/02/2021