

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23662 OF 2019

ORDER:

Heard the learned counsel for the petitioner and Sri B.Jithender, learned counsel for respondents 1 and 2, Smt G.Pujitha, learned Standing counsel for 3rd respondent and the learned Standing counsel for 4th respondent.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus directing the respondents to return the original certificates of the petitioner submitted at the time of joining the services of the 4th respondent forthwith without any further reference and pass such other order.....”

It has been contended by the petitioner that he has joined the services of the 4th respondent as an Associate professor and while joining, he had submitted all his original MBBS and MD Pathology, Medical Registration certificates, experience certificates etc., to the 4th respondent. While so, due to his ill health, he could not continue the services with the 4th respondent. The grievance of the petitioner is that the 4th respondent is not returning his certificates.

Therefore, learned counsel for the petitioner contends that appropriate orders be passed in this writ petition directing the 4th respondent to return the original certificates submitted by the petitioner while joining in service.

Learned Standing counsel appearing for the 4th respondent had contended that the petitioner has abandoned the services without informing the 4th respondent and as per the service conditions, petitioner must obtain no due certificate from the 4th

respondent and must give 3 months notice before discontinuing the service. Admittedly the petitioner has not even tendered his resignation. However, learned Standing counsel contends that if the petitioner complies with the conditions set out in the appointment order, the 4th respondent would release the certificates that too after petitioner obtaining no due certificate from the 4th respondent. He further contends that this Court has no territorial jurisdiction to entertain the writ petition as the 4th respondent institute is in Jaipur.

Learned counsel for the petitioner contends that petitioner was issued appointment order in Hyderabad and moreover, the petitioner is presently residing in Hyderabad which comes under the territorial jurisdiction of this Court. Therefore, he contends that the contention of the learned Standing counsel that this writ petition does not come under territorial jurisdiction of this Court cannot be entertained.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to approach the 4th respondent and obtain no due certificate and thereafter submit a representation for release of his certificates within two weeks from the date of receipt of a copy of this order and upon receipt of such representation, the respondents shall consider the same and pass appropriate orders in accordance with law, in another eight (08) weeks thereafter.

With the above direction, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 11-02-2020
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