IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE ACTING CHIEF JUSTICE SRI P.SAM KOSHY

AND

THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA

WRIT APPEAL No.1017 of 2025
(CNR No.HBHC010558422026)

AND

LETTER PATENT APPEAL No.11 of 2025

(CNR No.HBHC010558122025)

DATE OF ORDER: 11.11.2026

Reserved on: 17.08.2026 Pronounced on: 11.11.2026
Uploaded on: 12.11.2026

WRIT APPEAL No.1017 of 2025

Between:
Osmania University,
Represented by its Registrar, Hyderabad.

...Appellant

AND

Dr. S. Shekar, S/o. Butchaiah and 4 others.

...Respondents

LETTER PATENT APPEAL No.11 of 2025

Between:
Registrar, Osmania University,
Hyderabad 500 007.

...Appellant

AND

Dr. B. Ramaiah, S/o. Beerappa and another.

...Respondents

COMMON JUDGMENT: *(per Hon'ble the Acting Chief Justice P.Sam Koshy)*

Heard Mr. A. Venkatesh, learned Senior Counsel representing Ms. Pratusha Boppana, learned counsel for the appellant in Writ

Appeal No.1017 of 2025; and Mr. P.B. Vijay kumar, learned Senior Counsel representing Ms. A.V.S. Laxmi, learned counsel for the respondent No.4 in Writ Appeal No.1017 of 2025 and for the respondent No.1 in Letter Patent Appeal No.11 of 2025.

2. These are two proceedings under challenge arising out of the original order passed by the learned Single Bench, in Writ Petition No.5275 of 2006, decided on 06.01.2023.

3. Writ Appeal No.1017 of 2025 is one which has been filed by the Osmania University aggrieved of the directions given by the learned Single Bench, dated 06.01.2023, insofar as directing the University to consider the case of respondent No.4 viz., Dr. B. Ramaiah for regularization of his services on the post of Assistant Professor. The University is also aggrieved of the order dated 23.12.2024, passed by the learned Single Bench in Review I.A.No.3 of 2024 in Writ Petition No.5275 of 2006, whereby the Review I.A. filed against the order dated 06.01.2023, was dismissed. At the same time, Letter Patent Appeal No.11 of 2025 is one which has been filed by the contemnors in Contempt Case No.1605 of 2023, decided on 15.03.2024, whereby the Contempt Court directed the contemnors to reconsider their earlier decision dated 07.08.2023 and pass fresh orders within a period of 3 weeks, strictly considering the observations made in paragraph No.7 of the order dated 06.01.2023, passed in Writ Petition No.5275 of 2006.

4. For proper understanding the issue involved, it would be necessary to take note of the observations made by the learned Single Bench while disposing of the Writ Petition No.5275 of 2006, which for ready reference is reproduced hereunder:

> ***"5. The learned standing counsel for Osmania University brings to the notice of the Court that out of the (7) seven petitioners, who had approached this Court by filing the writ petition, few years back, his instructions are as follows on the present subject issue:***
>
> ***1. The 1st petitioner retired from service.***
>
> ***2. The services of the 2nd petitioner had already been regularized.***
>
> ***3. The 3rd petitioner had also been selected as Assistant Professor and is also promoted.***
>
> ***4. The 5th petitioner is concerned, he did not possess the required eligibility for regularization as per UGC guidelines.***
>
> ***5. The 6th petitioner is concerned, his services had been regularized by the university.***
>
> ***6. The 7th petitioner is concerned, his services had been regularized.***
>
> ***7. The 8th petitioner already superannuated from services.***
>
> ***6. Learned counsel for the respondent fairly submits that in so far as the 4th petitioner is concerned, the respondents may be directed to consider his case for regularization, in accordance to law.***
>
> *7. In view of the facts and circumstances referred to above, the writ petition is disposed of directing the respondents to consider the case of the 4th petitioner for regularization of services as Assistant Professor in the 1st respondent's university as per para 53 of the Judgment of the Apex Court reported in* ***(2006) 4 SCC (1)*** *in* ***Secretary, State of Karnataka and others Vs. Uma Devi (3) and others and pass appropriate orders regularizing the services of***

the 4th petitioner, in accordance to law, within a period of (4) weeks from the date of receipt of a copy of this order, duly communicating the decision to the 4th petitioner. However, there shall be no order as to costs."

5. From a plain reading of the contents of paragraph Nos.5 to 7 reproduced above, it would be evident that the Writ Petition stood decided only so far as the claim of petitioner No.4 i.e. respondent No.4 in Writ Appeal No.1017 of 2025 is concerned. With regard to all other petitioners, either their grievances stood redressed or they did not intend to contest the Writ Petition in the light of the developments that took place during the intervening period. Further, what is also evident is that the order of the learned Single Bench was based upon the submissions made by the learned counsel representing the University, and, moreover the Writ Petition stood disposed of in the light of the directives given by the Hon'ble Supreme Court in **Secretary, State of Karnataka and Others Vs. Uma Devi (3) and Others**[1].

6. At the outset, we proceed to first decide the impugned order insofar as the rejection of the Review I.A.No.3 of 2024 is concerned.

7. A reading of the order passed in Review I.A.No.3 of 2024 would go to show that the grounds raised in the Review I.A. were, in fact, the grounds which are otherwise dealing with the merits of the case insofar as the claim of the petitioners are concerned. The learned Single Bench, while considering the Review I.A., took the view that, firstly, the Review I.A. has been filed at a much belated stage i.e. after initiation of the Contempt Petition and service of notice on the

[1] (2006) 4 SCC (1)

respondents; and secondly, the learned Single Bench did not interfere for the reason that, in order to entertain a Review Petition a strong case has to be made out by the review petitioners so as to meet the requirements envisaged under Order XLVII Rule 1 of C.P.C. which prescribes the basic principles to be followed in the case of deciding a Review Petition, wherein the *prima facie* requirement is the error apparent on the face of the record to be shown by the review petitioners.

8. Having heard the learned counsel representing the University we have no hesitation in reaching to the conclusion that the University has not been able to make out a strong case for interdicting the impugned order passed in Review I.A.No.3 of 2024. As has been contended, the University has not been able to show an error apparent on the face of record insofar the directions those have issued by the learned Single Bench at the first instance. The length of service rendered by respondent No.4 itself is sufficient to show that he does have a claim as has been envisaged in **Uma Devi (3)** (supra). The only aspect which needs to be considered by the University is, whether the respondent No.4 meets the minimum eligibility criteria, both in accordance with the rules of recruitment to the post to which he is claiming regularization, and the conditions put forth by the Hon'ble Supreme Court in **Uma Devi (3)** (supra).

9. In the said factual backdrop, we do not find any error apparent on the face of record to have been committed by the learned Single

Bench while disposing of Writ Petition No.5275 of 2006 and also while dismissing Review I.A.No.3 of 2024. Therefore, Writ Appeal No.1017 of 2025 to the aforesaid extent fails, and is accordingly dismissed.

10. Coming to the challenge to the order passed in Contempt Case No.1605 of 2023, it is relevant to take note of the operative part of the impugned order, which for ready reference is reproduced below:

> ***"The review I.A.No. 03 of 2024 in W.P.No.5275 of 2006 is dismissed and the Contempt Case No.1605 of 2023 is allowed, directing the respondents to remedy and rectify the things done in violation of the orders of this Court, dated 06.01.2023 passed in W.P.No.5275 of 2006 and forthwith take steps to implement the orders of this Court, dated 06.01.2023 passed in W.P.No.5275 of 2006 and also the orders of this Court dated 15.03.2024 in C.C.No.1605 of 2023 within a period of four (04) weeks from the date of receipt of copy of the order, duly taking into consideration the observations of this Court in the present judgment and also the proceedings dated 25.04.2005 and 25.02.2006 (referred to above) of the Osmania University. However, there shall be no order as to costs."***

The operative part of the order dated 06.01.2023, passed in Writ Petition 5275 of 2006, which has already been reproduced in the preceding paragraphs and reading of the operative portion of the impugned order reproduced above, would clearly establish that the nature of relief ordered in both the proceedings is same.

11. So far as the contempt is concerned, it is by now a well settled legal proposition that, all that the Contempt Court can take note is whether there is a wilful, deliberate and intentional non-compliance. If the answer to the aforesaid query is affirmative, the second aspect to be considered is, for such deliberate act what would be the punishment

that could be imposed under the Contempt of Courts Act. Under the Contempt of Courts Act, there is no scope for the Court to proceed and convert the Contempt Petition into a Writ and finally dispose of the Contempt Petition by yet again issuing a Writ of Mandamus, which is totally impermissible under the contempt jurisdiction.

12. In the case of **Chaduranga Kanthraj URS and Another vs. P. Ravi Kumar and Others**[2], the Hon'ble Supreme Court held at paragraph Nos.1.10 and 1.11, as under:

> *"1.10. In order to punish a contemnor, it has to be established that disobedience of the order is 'wilful'. It means knowingly intentional, conscious, calculated and deliberate with full knowledge of consequences flowing therefrom. It would exclude casual, accidental, bonafide or unintentional acts or genuine inability and would also not include involuntary or negligent actions. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. It is too well settled that if two interpretations are possible, and if the action is not contumacious, a contempt proceeding would not be maintainable.*
>
> *1.11. The weapon of contempt will not be used for execution of the decree or implementation of an order for which alternative remedy in law is provided for. The paramount consideration is given to maintain court's dignity and majesty of law. In Sudhir Vasudeva v. George Ravishekeran this Court has observed that a Court exercising jurisdiction under the Contempt of Courts Act, 1971 must not travel beyond the four corners of the orders in relation to which contempt has been alleged. That the Court hearing a contempt petition ought to restrict the scope of its enquiry to such directions which are explicit in the judgment or orders of which contempt has been alleged."*

[2] 2024 SCC OnLine SC 3681

13. Therefore, for all the aforesaid reasons the directives given by the Contempt Court while disposing of Contempt Case No.1605 of 2023 is not sustainable in the eye of law, it deserves to be and is accordingly set aside and the matter stands remitted back to the learned Single Bench insofar as Contempt Case No.1605 of 2023 is concerned. The learned Single Bench is directed to proceed and decide the Contempt Case on its own merits in accordance with law at the earliest.

14. In the result:-

i. Writ Appeal No.1017 of 2025 stands dismissed.

ii. Letter Patent Appeal No.11 of 2025 stands allowed as per the observations made in paragraph No.13.

15. As a sequel, miscellaneous petitions pending if any, shall stand closed. However, there shall be no order as to costs.

P. SAM KOSHY, ACJ

NARSING RAO NANDIKONDA, J

Date: 11.11.2026
GSD