



2022:TSHC:68754

**HIGH COURT FOR THE STATE OF TELANGANA: AT HYDERABAD
(Special Original Jurisdiction)**

**FRIDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

I.A.NO.1 OF 2022

IN

WRIT PETITION NO: 11510 OF 2015

Between:

1. Chaitanya Bharathi Institute of Technology, Society, Chaitanya Bharathi Post CBIT Campus, Gandipet, Kokapet(V), Rajendranagar (M), R.R.District - 500075 represented by its President Dr.V. Malakonda Reddy, S/o. Late V. Obul Reddy, aged about 83 years, R/o. 8-2-693/2/26&27, Mithila Nagar, Road No.12, Banjara Hills, Hyderabad - 34.
2. Chaitanya Bharathi Institute of Technology Chaitanya Bhar, CBIT Campus, Gandipet, Kokapet (V), Rajendranagar (M), R.R.District - 500075 represented by its President Dr.V. Malakonda Reddy

Petitioners 1 and 2 are represented by their President, Dr.V. Malakonda Reddy, S/o V.Obula Reddy, H.No.8-2-693/2126&27, Mithila Nagar, Road No.12, Banjara Hills, Hyderabad - 500 034.

...Petitioners/Petitioners

AND

1. Osmania University, Hyderabad - 500 007 Represented by its Registrar.
2. The State of Telangana, represented by its Principal Secretary, Higher Education, Secretariat Buildings, Hyderabad.

...RESPONDENTS

Petition under Order 9 Rule 9 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to recall the order dated 18-01-2022 dismissing the above Writ Petition as infructuous and restore WP No.11510 of 2015 on to its file.

The Petition coming on for hearing upon perusing the petition and affidavit and upon hearing the arguments of Sri C.Sumon, Advocate for the Petitioners and Sri Ch.Jagannadha Rao, Advocate for the Respondent No.1 and the Govt. Pleader for Higher Education for the Respondent No.2.



2022:TSHC:68754

The Court made the following ORDER:

This application, under Section 151 of CPC, is filed by the petitioners, seeking to recall the order, dated 18.01.2022, passed by this Court in W.P.No.11510 of 2015, and restore the Writ petition to its file.

Heard both sides. Perused the record.

It has been contended on behalf of the petitioners that there are two similar writ petitions in relation to payment of admission fee and common services fee, which relate to JNTU, Hyderabad and JNTU, Kakinada and the petitioner therein have settled the matters with the Universities concerned after becoming autonomous. The facts of the instant writ petition are however similar, but no settlement has been arrived in relation to the subject matter of this writ petition. By mistake, it was represented that the cause in this writ petition does not survive for adjudication. The fact remains otherwise.

As per the material placed on record, the instant writ petition is required to be decided on merits. In view of the same, the order, dated 18.01.2022, passed by this Court in this writ petition dismissing the writ petition as infructuous, is recalled. The Writ Petition is restored to file for disposal, in accordance with law.

The petition is ordered accordingly.



2022:TSHC:68754

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.11510 of 2015

ORDER:

Heard. Perused the record.

2. Learned counsel for the petitioners submits that the cause in the writ petition does not survive for adjudication and therefore, the writ petition may be dismissed as infructuous.

3. Taking the said submission on record, this writ petition is dismissed as infructuous.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/- B. SATYAVATHI
DEPUTY REGISTRAR
GP
SECTION OFFICER

To,

1. The Registrar, Osmania University, Hyderabad - 500 007.
2. The Principal Secretary, Higher Education, Secretariat Buildings, State of Telangana, Hyderabad.
3. The Section Officer, Writ Posting Section, High Court for the State of Telangana
4. The Section Officer, Writ Non-Service Section, High Court for the State of Telangana
5. Two CCs to the GP for Higher Education, High Court for the State of Telangana. [OUT]
6. One CC to SRI. C SUMON Advocate [OPUC]
7. One CC to SRI Ch.JAGANNADHA RAO, Advocate [OPUC]
8. Two C.D. Copies.
9. One Spare Copy.

MRC
GJP



2022:TSHC:68754

HIGH COURT

DATED:14/10/2022

ORDER

I.A.NO.1 OF 2022

IN

WP.No.11510 of 2015



ORDERING THE I.A.
AND
RESTORING THE WP

(11)

MA
15/11/22