

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2016 OF 2004

OSMANIA UNIVERSITY

Appellant (s)

VERSUS

A.P. STATE MINORITIES COMMISSION & ORS.

Respondent(s)

(With office report)

Date: 27/01/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. H.Gururaja Rao, Sr. Adv.
Mr. Y.Ramesh, Adv.for
Mr. Y. Raja Gopala Rao,Adv.

For Respondent(s) Ms. Promila,Adv.

Ms. Altaf Fatima, Adv.for
Mrs.D. Bharathi Reddy ,Adv

UPON hearing counsel the Court made the following
O R D E R

The appeal is disposed of in terms of the signed
order. No costs.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[Signed Order is placed on the File]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2016 OF 2004

Osmania University

..Appellant

versus

A.P.State Minorities Commission & Others ..Respondents

ORDER

Heard learned counsel for the parties.

This Appeal has been filed against the impugned
judgment of the Andhra Pradesh High Court dated 11th
February, 2003, whereby the review petition filed by

respondent No.1 has been allowed and the order of the Division Bench dated 31st October, 2001 has been set aside. The facts of the case are that selections for the posts of Lecturers in different departments were notified by the appellant herein including the posts of lecturers in the departments of Urdu and Linguistics. Two candidates, who

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participated in the selection process and were not appointed, made complaints to the A.P.State Minorities Commission (for short 'the Commission') alleging that they were being deprived of appointments because of their minority status.

The

Commission, to whom the complaints were made, directed the Registrar of the Osmania University vide letter dated 23rd March, 2000 to appear personally before the Commission on 04th April, 2000 with all relevant records for posts, referred to in the complaints, true copy of the letter is annexed as Annexure P3 to this appeal, so that the Commission can examine whether any discrimination had been made against the two candidates namely Md. Ansari and Md. Nazeer Ahmed for appointment as lecturers in Linguistic and Urdu respectively.

It is stated at the Bar that the Registrar, in fact, appeared before the Commission and participated in the proceedings. Subsequently, the appellant filed a writ petition in the Andhra Pradesh High Court challenging the jurisdiction of the Commission in directing the University to produce the records of the selection process. The Commission filed a counter-

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affidavit in the said writ petition denying the allegations made therein.

A Division Bench of the High Court allowed the said writ petition but in review, the order passed in the writ petition has been set aside. Hence, this appeal.

Learned counsel for the appellant strenuously argued that the proceedings initiated by the Minority

Commission were without jurisdiction in as much the Commission was not legally competent to go into the validity or otherwise of the selection process for appointment against vacancies in the University nor was it competent to annul any such selection or direct appointment of any candidate against any vacancy available in any teaching or non-teaching cadre. It was submitted that the Commission had no adjudicatory role and any exercise aimed at examining the validity of any decision of the University was wholly uncalled for. It was contended that the summoning of the Registrar and the relevant record to determine whether there was enough workload to justify appointment of the selected candidates who had complained

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against the University was based on an erroneous assumption

that the Commission could go into such matters. The Commission, it was submitted, overlooked the fact that it was only a recommendatory body which could make no enforceable direction against the university.

On behalf of the respondent-Minority Commission, it was per contra argued that since the aggrieved candidates had already been appointed by the University, the entire controversy in this appeal had become academic. It was further submitted that with the appointments of the selected candidates further proceedings before the Minority Commission would also become unnecessary and may be taken as closed.

The appointment of the candidates who had complained to the Minority Commission against the University, has, in our opinion, rendered the entire controversy as to the jurisdiction of the Commission academic. We, therefore, consider it wholly unnecessary to examine in detail the merits of the contentions urged on behalf of the appellant. That is particularly so when according to the learned counsel for the Commission, the

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proceedings in question would now stand dropped as the

grievance of the complainants stands redressed.

In the result, this appeal is disposed of with the above observations leaving the parties to bear their own costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
JANUARY 27, 2010

.....J.
[T.S. THAKUR]