

ITEM NO.12

COURT NO.5

SECTION XIIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).17694/2012
(From the judgement and order dated 13/04/2012 in CRP No.4644/2011
of The HIGH COURT OF A.P AT HYDERABAD)

MIR QAMAR HASAN RAZVI

Petitioner(s)

VERSUS

A.P.STATE WAKF BOARD

Respondent(s)

(With prayer for interim relief and office report)

Date: 29/05/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE DIPAK MISRA
(VACATION BENCH)

For Petitioner(s) Mr. Raju Ramachandra, Sr. Adv.
Mr. Tripurari Ray, Adv.
Mr. S.U. Abbas, Adv.
Md. Shahid Anwar, Adv.

For Respondent(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Imtiaz Ahmed, Adv.
Mrs. Naghma Imtiaz, Adv.
Mr. Mir Massod Khan, Adv. for
M/S.Equity Lex Associates, Advs.

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

This S.L.P. has been filed against the impugned judgment and order dated 13th April, 2012 passed by the High Court of Judicature of Andhra Pradesh at Hyderabad in Civil Revision Petition No. 4644 of 2011 by which the High Court has allowed the Civil Revision filed by the respondent herein. Hence this petition.

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The petitioner herein was admittedly appointed by the Wakf Board as Mutawalli for a period of three years with a further stipulation that after the expiry of the period of three years, the period may be extended further. However, the Wakf Board reserved its right to cancel, modify or change the order at any time without assigning any reason and prior intimation to the incumbent. The petitioner accepted the said appointment

with the aforesaid terms and conditions incorporated in the appointment letter. However, the petitioner had been removed from the Mutawalliship before expiry of the said period of three years which prompted the petitioner to approach the High Court, but he could not succeed.

We have heard Mr. Raju Ramachandran, learned senior advocate appearing for the petitioner and Dr. Abhishek Manu Singhvi, learned senior counsel for the Wakf Board.

After having heard learned senior counsel for the parties and perusing the record, we are of the opinion that the petitioner could not have been removed without holding any inquiry as his removal is based on alleged misconduct. The order by which the petitioner was removed from the post of Mutawalliship is admittedly stigmatic. Dr. Singhvi, learned senior counsel for the respondent has made it clear that the impugned order of

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removal of the petitioner would not be treated to be stigmatic and the same shall not be considered as stigmatic today or in future.

In view of the above, the impugned order of the termination of the petitioner from the post of Mutawalliship will be treated as non stigmatic. We do not wish to consider the matter further on any factual or legal issue.

The special leave petition is accordingly disposed of with the above observations.

(G. SUDHAKARA RAO)
COURT MASTER

(M.S. NEGI)
COURT MASTER