

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 1050 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 11/11/2024 in the W.P.No.17971 of 2005 on the file of the High Court.

Between:

Osmania University, represented by its Registrar, Prof. G. Naresh Reddy, S/o. Sri. G. Bhoomaiah, Osmania University, Hyderabad-500007.

...APPELLANT/RESPONDENT

AND

Dr.(Mrs). A. Nagamani, W/o. Dr. A. Narayana Rao, Aged about 70 years, Occ. Professor (Retd), Department of Botany, Osmania University, R/o Plot No. 1294A, Road No. 63A, Jubilee Hills, Hyderabad.

...RESPONDENT/WRIT PETITIONER

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of operation of the Impugned Order Dated 11-11-2024 passed in W.P. No. 17971 of 2005 during pendency of the present Writ Appeal in the interest of justice.

Counsel for the Appellant: SRI MALIPEDDI SRINIVAS REDDY, SC FOR OU

Counsel for the Respondent: SRI B.ASHOK

The Court delivered the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No. 1050 of 2025

DATED : 04.02.2026

Between:

Osmania University

.Appellant

AND

Dr. (Mrs.) A. Nagamani

.Respondent

JUDGMENT:

Sri Malipeddi Srinivas Reddy, learned counsel appears for appellant.

Sri B. Ashok, learned counsel appears for respondent/writ petitioner.

2. *Vide* order dated 22.09.2004, the date of promotion of the respondent/writ petitioner as Associate Professor was shifted back from 27.07.1998 to 26.04.2001 on the ground that the extraordinary leave availed by her for a period of two years ten months and thirteen days was erroneously not taken into consideration while granting promotion earlier in the year 1998. An order for recovery of Rs.2,05,829/- on pay fixation

was passed on 06.08.2005 pursuant to the aforesaid order of promotion dated 22.09.2004. The writ petitioner assailed the shifting of the date of promotion in Writ Petition No.17971 of 2005. *Vide* order dated 11.11.2024, the learned writ Court has set aside the impugned order dated 06.08.2005 holding that she is entitled to promotion as Associate Professor from 27.07.1998 provided she satisfies all other notified eligibility criteria. The learned writ Court interpreted para 7.4.0 on Reader (Promotion) of UGC Notification on Revision of Pay Scales, Minimum Qualification for Appointment of Teachers in Universities, Colleges & Other Measures for the Maintenance of Standards, 1998 (for short 'UGC Notification, 1998') along with the Leave Rules and UGC letter dated 14.01.2005 to arrive at an opinion that the period of extraordinary leave could not be discounted for the purposes of promotion. The University being aggrieved has preferred this Writ Appeal.

3. Learned writ Court observed that as per the UGC Notification, 1998, Leave Rules in Appendix-VI, a 'completed year of service' means continuous service of specified duration

under the universities and includes periods of absence from duty as well as leave including extraordinary leave.

However, it is also evident that for the period of extraordinary leave, the writ petitioner was not allowed any pay or allowances. The writ petitioner had taken this leave on personal grounds and not for undertaking higher studies or for maternity leave or for undertaking fellowship.

4. Learned counsel for the appellant has referred to Regulation 8 of Appendix-VI of Leave Rules under UGC Regulations, 1998, which provides that extraordinary leave shall always be without pay and allowances. Since the period of extraordinary leave without any salary was taken on personal grounds, the Executive Council of the University had resolved not to count it under the Career Advancement Scheme. Consequently, the date of promotion of the writ petitioner was shifted back.

5. Learned counsel for the writ petitioner has contended that the learned writ Court rightly held that the Executive Council did not derive any authority from the University

statutes but framed its own Leave Rules other than those stipulated by UGC under the Career Advancement Scheme. Therefore, shifting of the date of the promotion of the writ petitioner was not proper.

6. The learned counsel for the University has submitted that neither the order of recovery was under challenge nor the University has insisted upon the recovery.

7. The learned counsel for the writ petitioner submitted that such payments have been made by the University, not on account of any misrepresentation. Therefore, the said amount should not be recovered.

8. Having considered the submissions of the learned counsel for the parties and the facts and circumstances noted above, we are of the view that if the writ petitioner availed extraordinary leave without any pay and allowances, in view of para 8 of Appendix-VI under UGC Regulations, 1998, such extraordinary leave cannot be counted for promotion as Associate Professor under the Career Advancement Scheme. For award of Associate Professor (Promotion) under the

Career Advancement Scheme, one should complete nine (9) years of service with Ph.D as Assistant Professor excluding the period of Extraordinary Leave availed on private affairs. The Executive Council in the 81st meeting held on 25.06.2005 therefore resolved to modify the date of promotion of the writ petitioner as Associate Professor in Botany under Career Advancement Scheme as 26.04.2001 in terms of UGC RSP-96 excluding the period of two (2) years ten (10) months and thirteen (13) days of Extraordinary Leave. We find that the stand of University is based on proper application of the Rules applicable to extraordinary leave. Therefore, we are inclined to interfere in the impugned order. It is accordingly set aside.

The Writ Appeal is accordingly allowed. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

SD/-K.SRINIVAS RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar, Osmania University, Prof. G. Naresh Reddy, S/o. Sri. G. Bhoomaiah, Osmania University, Hyderabad-500007.
2. Dr.(Mrs).A. Nagamani, W/o. Dr. A. Narayana Rao, Aged about 70 years, Occ. Professor (Retd), Department of Botany, Osmania University, R/o Plot No. 1294A, Road No. 63A, Jubilee Hills, Hyderabad.
3. The Section Officer, Writ Service Section, High Court for the State of Telangana at Hyderabad.
4. The Section Officer, Writ Posting Section, High Court for the State of Telangana at Hyderabad.

PTD

5. One CC to SRI B.ASHOK, Advocate [OPUC]
6. One CC to SRI MALIPEDDI SRINIVAS REDDY, SC FOR OU [OPUC]
7. Two CD Copies

BSR/BSK

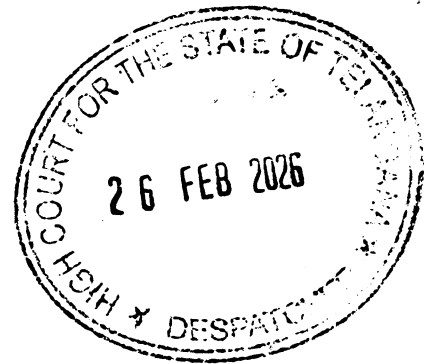
CHR

HIGH COURT

DATED: 04/02/2026

JUDGMENT

WA.No.1050 of 2025



**ALLOWING THE WRIT APPEAL,
WITHOUT COSTS**

⑨ CHR
23/2/26