

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM
Contempt Case No.1682 of 2009

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Dated 02nd April, 2015

Between:

Minorities Students' Organisation (MSO)

...**Petitioner**

and

J.Satyanarayana and others

...**Respondents**

Counsel for the petitioner: Sri K.S.Murthy

Counsel for respondent No.1: GP for Medical, Health & Family Welfare (AP)
Counsel for respondent Nos.2 & 5: Sri D.V.Nagarjuna Babu
Counsel for respondent No.3: Sri S.Niranjan Reddy
Counsel for respondent No.4: Sri S.Sriram
Counsel for respondent No.6: AGP for Medical, Health & Family Welfare(TG)

The Court made the following:

ORDER: (per CVNR,J)

This contempt case is filed alleging wilful disobedience of order, dated 31.07.2007, in W.P.No.15555 of 2006 and batch.

By the above-mentioned order, the Division Bench has issued various directions to be followed by two medical colleges, namely, Deccan College of Medical Sciences and Shadan Institutions of Medical Sciences, which are arrayed as respondents in some of the writ petitions. The petitioner in the contempt case which claims to be a student organisation complains that some of the directions issued by this Court in the above-mentioned order have not been complied with. The main grievance of the petitioner is that both the above-mentioned colleges have not made the applications available through website and also by way of sending the same through post.

In obedience to the directions of this Court, both the institutions whose officials have been impleaded as respondent Nos.3 and 4 in the contempt case have filed their counter affidavits.

Respondent No.3 has initially filed a counter affidavit, wherein it has *inter alia* raised the plea that with the issue of G.O.Ms.No.198, dated 17.05.2008, framing new Rules, the order of the Division Bench which was based on the previous Rules ceases to operate and that therefore, the contempt case does not lie. However, upon serious view being taken by the Court to the said stand taken in the counter affidavit, respondent No.3 was quick in filing fresh counter affidavit seeking substitution of the previous counter affidavit, wherein he has admitted departure from the directions issued by this Court to the extent of publishing in the newspapers that the applications will not be sent by the colleges through post and that the candidates must come and collect the applications physically. The deponent of the affidavit while stating that the institution had strictly followed all other guidelines issued by the Division Bench for maintaining fairness and transparency in the admission process, has tendered unconditional apology for the deviation made in respect of the above-mentioned aspect for the academic year 2009-2010.

Respondent No.4 has filed a counter affidavit and also an additional counter affidavit, wherein a similar lapse as committed by respondent No.3 was admitted and he has also tendered unconditional apology.

During one of the hearings, this Court felt that it would be appropriate to examine whether the two medical colleges have been following the procedure strictly in consonance with the directions issued by this Court at least for the current academic year. Accordingly, reports have been called for from the Dr.NTR University of Health Sciences and both the Governments of Andhra Pradesh and Telangana States. Dr.NTR University of Health Sciences filed its report and also an additional report, while the Government of Andhra Pradesh has submitted its report today at the hearing.

In his additional report sent to Sri D.V.Nagarjuna Babu, Amicus Curiae, the Registrar of Dr.NTR University of Health Sciences while pointing out certain violations relating to uploading of information to the University website and non-furnishing of particulars as to the weblink, however, in conclusion stated as under:

“After verification of the Merit list and records, it is observed that the colleges have followed the rules issued by the Government and the merit are approved along with the specific remarks about the not eligible candidates and additional documents to be submitted by the candidates. Further the Principals are directed to make admissions from the approved merit list only and any deviations from the merit list, the admissions made will not be approved.”

The report submitted by the Government of Andhra Pradesh heavily banked upon the report of the Registrar, Dr.NTR University of Health Sciences. The Amicus Curiae in all his earnestness tried to point out certain violations as pointed out in the additional report of the Registrar of Dr.NTR University of Health Sciences. However, we are of the opinion that the violations, if any, relating to the current academic year do not strictly fall within scope of this contempt case. Therefore, we do not intend to examine them minutely, more so when the Registrar of Dr.NTR University of Health Sciences has reported that both the colleges have followed the Rules for the current academic year.

Sri K.S.Murthy, learned counsel for the petitioner, submitted that for due compliance with the admission procedure, appropriate directions may be made in order that both the medical colleges will not give scope for complaints in future. We are afraid, we cannot make such observations while closing the contempt case, for, such observations will only remain pious observations which are likely to be followed more in breach. If the petitioner has any grievance in future, it shall be free to avail fresh remedy not only against these two colleges but also against any other college in both the States of Andhra Pradesh and Telangana.

Subject to the liberty given to the petitioner as above, the contempt case is closed.

As a sequel to disposal of the contempt case, Application Nos.1086/09 and 1134/14 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

CHALLA KODANDA RAM, J

02nd April, 2015
VGB