

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.15051 of 2015

Date: 16-6-2015

Between

Dr. Abdul Quayum

... Petitioner

and

Maulana Azad National Urdu University,

Rep. by its Registrar,

Gachibowli, Hyderabad, Telangana;

and 3 others

... Respondents

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Writ Petition No.15051 of 2015

Order:

Heard Sri Mir Masood Khan, learned counsel appearing for the petitioner and Sri K.Ramakanth Reddy, learned Standing Counsel for

the respondents 1 to 3-Maulana Azad National Urdu University (MANUU).

2. This writ petition is filed questioning the authority of the Executive Council in initiating the proceedings and also jurisdiction of the Registrar directing the seizure of computer of the petitioner and also the action of the Vice Chancellor which approved the acts of the Registrar without jurisdiction and consequently to set aside the enquiry initiated against the petitioner.

3. In the opinion of this Court, all the issues raised in the writ petition are required to be decided by the Enquiry Officer after recording evidence in the enquiry and this Court is not supposed to quash the enquiry initiated against the petitioner straightaway without there being any material before it basing on which the enquiry is initiated.

4. The learned counsel appearing for the petitioner, however, expressed apprehension that the Enquiry Officer may not decide certain crucial issues raised by the petitioner in the enquiry. The issues, according to the learned counsel appearing for the petitioner, are:

“(1) Whether the Registrar has jurisdiction under Section 5(5)(a) of the Statute of MANUU to order for seizure of computer dated 20-01-2015 and constitute enquiry by order dated 23-01-2015 without the written order from the authority concerned under the Statute ?

(2) Whether the Registrar under the Statute of MANUU or CCS Rules can approve the actions of the Registrar and if he so approves it would be without jurisdiction ?

(3) Whether the Executive Council, which is the Appellate Authority under Section 33 of the Act read with Section 13 of the Statute of MANUU, can decide on suspension/termination without any agenda ? and

(4) Whether the initiation of enquiry against the petitioner is valid ?”

5. This Court, therefore, is of the view that without going into the merits of the rival contentions, the writ petition can be disposed of by

issuing a direction to the Enquiry Officer to record findings on the aforementioned issues raised by the petitioner. Consequently, the writ petition is disposed of directing the Enquiry Officer to record specific findings on the aforementioned 4 issues along with the other issues and pass a final order in accordance with law. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

16th June, 2015.

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