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IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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Writ Petition No.21359 of 2010

Between:
Siri Krishna,
Kakinada,
East Godavari District.

... Petitioner

And

Andhra University,
Visakhapatnam
Represented by its Registrar and another.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 7.8.2015

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

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Writ Petition No.21359 of 2010

ORDER:

Heard learned counsel for the petitioner. None appeared for the respondents, though served.

The petitioner, in the instant writ petition, seeks the following prayer:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the respondents in issuing show Cause Notice No. E1/Certt/2010, dated 19.7.2010 as illegal, arbitrary and contrary to the provisions of Universities Act and consequently direct the respondents to desist themselves from demanding the Petitioner to return his B.A provisional Certificate and to issue provisional certificate of M.B.A. and B.A. degree final certificate and pass such other or further orders as are deemed fit and proper.”

This Court, while admitting the writ petition on 27.8.2010, passed the following interim order:

“Though titled as a show cause notice, by the impugned proceedings dated 19.7.2010, the Andhra University called upon the petitioner to hand over the marks statement and the provisional certificate within seven (7) days, having unilaterally decided that the petitioner had obtained the same fraudulently. It is further stated therein that if no reply is received from the petitioner, appropriate action would be initiated, which is an exercise in futility in terms, as the body of the show cause notice indicates that it has already been decided by the University that the petitioner acted in collusion with the office staff and fraudulently obtained his marks statement and provisional certificate. The impugned proceeding are therefore, prima facie, violative of the tenets of fair play in action and the

norm of 'audi alteram partem'.

The respondent University is accordingly directed not to take any coercive steps pursuant to the notice dated 19.7.2010 and treat the same as only a notice calling upon the petitioner to respond to the allegations made therein. The petitioner is permitted to submit his reply to the said show cause notice within two (2) weeks from the date of receipt of a copy of this order. The respondent University shall consider the same and after giving due opportunity of hearing to the petitioner, take a reasoned decision in the matter."

Learned counsel for the petitioner is not in a position to state about the outcome of the proceedings, as observed in the order dated 27.8.2010. Be that as it may, I am satisfied that this writ petition need not remain pending here and can be conveniently disposed of in terms of the interim order dated 27.8.2010.

Order accordingly.

Consequently, pending miscellaneous applications shall also stand closed. No costs.

DILIP B. BHOSALE, ACJ

7th August, 2015

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