

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

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT APPEAL No.925 OF 2015

DATED: 01.03.2016

Between:

M/s.Divya College of Nursing

... Appellant

and

The State of Andhra Pradesh and others

... Respondents

**THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APPEAL No.925 of 2015

PC: (per the Hon'ble The Acting Chief Justice Dilip B. Bhosale)

This appeal is directed against an interlocutory order, dated 28.09.2015 passed by learned Single Judge in WPMP.No.38339 of 2015 in Writ Petition No.34343 of 2014 whereby the WPMP has been dismissed.

In the WPMP filed by the appellant-institution, they prayed for direction to the respondent university to accept examination fee of their students of the 1st Year B.Sc Nursing Course (2014-15) and allow them to attend annual examinations which were scheduled to be held between 04.11.2015 and 23.11.2015, pending the hearing and final disposal of Writ Petition No.34343 of 2014. This prayer was rejected by the impugned order.

On 03.11.2015, this Court passed the following interim order:

“Keeping that in view, we are inclined to pass the following order by way of interim relief:

- (1) Respondent No.3 – University shall allow all 12 students to appear for examination which is scheduled to commence from

04.11.2015. They shall make all arrangements to see that the 12 students appear for the examination. It is needless to mention that the appellant shall comply all the formalities including payment of examination fee, if any, today itself.

- (2) The appellant through its Chairman/President shall also file an affidavit in the form of undertaking, stating that henceforth the appellant shall not admit any student in its college unless approval is granted by Indian Nursing Council and affiliation by Dr. N.T.R. University of Health Science, within a period of three days from today, failing which, it is made clear that appropriate action shall be taken against the Chairman and members of the Managing Committee of the College.
- (3) The appellant is also directed to deposit the entire fee that was collected from the 12 students while admitting them in the college by virtue of the order dated 13.11.2014 in W.P.No.34343 of 2014, within a period of one week from today, with the Registrar (Judicial).
- (4) In any case, the University shall not declare the result of the 12 students without permission of this Court.
- (5) The appellant is directed to communicate this order to every student within a period of one week from today.
- (6) Learned Standing Counsel for respondent No.3 is also directed to communicate this order to the University forthwith, to take necessary steps for allowing the 12 students to write the examinations commencing from 04.11.2015.

We are informed that in view of the interim order passed in the appeal, the students were allowed to appear for the examinations and the results are not yet declared.

Learned counsel appearing for the appellant institution is not clear whether the appellant institution has deposited

the fee that was collected from 12 students while admitting them in the college in view of the interim order.

Keeping that in view and considering the interim prayer that was rejected by the impugned order, we are satisfied that this writ appeal can be conveniently disposed of by the following order.

“If the appellant institution has not deposited the fee as per the order, dated 03.11.2015 with the Registrar (Judicial), they may do so within a period of one week from today, failing which, the learned Single Judge may pass appropriate order for willful disobedience of the direction.

It is open to the appellant institution to apply for expeditious hearing of the writ petition and if any such application is filed, we are sure that the learned Single Judge shall pass appropriate orders thereon.

Insofar as the direction issued by this Court *vide* order, dated 03.11.2015 not to declare the results is concerned, the learned Single Judge may consider, if any application is filed for declaration of the results and pass appropriate order.”

With these observations, Writ Appeal is disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

1st MARCH, 2016.

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P. NAVEEN RAO, J