

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT APPEAL No.916 of 2016

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred by Dr. N.T.R. University of Health Sciences against the order passed by the learned Single Judge in Writ Petition No. 29054 of 2016 dated 29.8.2016 allowing the writ petition at the stage of admission; directing the respondent-appellant herein to pay costs of Rs.30,000/- in favour of the writ petitioner within one week; and informing the appellant that, in case a similar writ petition were to come up before the Court on the same issue, the writ petition would be treated as a contempt case against the Registrar and Vice Chancellor of the Dr. N.T.R. University of Health Sciences.

The question which arose for consideration in this writ petition was regarding failure of the Dr. N.T.R. University of Health Sciences to release the Post Graduate Degree Certificate of the petitioner. It is contended by Sri T.Nageswara Rao, Learned Counsel for the appellant, that the post-graduate degree certificates were not issued by the University as the respondent-writ petitioner, and those similarly situated, had failed to fulfil their undertaking to undergo the compulsory one year rural service, after completion of their Post Graduate Medical courses. This question, as to the respondent-writ petitioner's entitlement to be given the degree certificate, without undergoing one year rural service on completion of his Postgraduate course, is under

consideration in Writ Petition No. 16313 of 2014 which is said to be still pending on the file of this Court till date. The fact, however, remains that an interlocutory order was passed, in W.P.M.P. No. 20241 of 2014 in Writ Petition No. 16313 of 2014 dated 20.6.2014, directing the respondents to forthwith release the original M.B.B.S. and Post Graduate Degree/Diploma Certificates to all successful Post Graduate medical students. As Writ Petition No. 16313 of 2014 is still pending before this Court, the aforesaid interlocutory order, directing the respondents to forthwith release the original M.B.B.S. and Post Graduate Degree/Diploma Certificates, would be subject to the result of Writ Petition No. 16313 of 2014. However, another learned Single Judge of this Court, by order in Writ Petition No. 7477 of 2016 dated 9.3.2016, allowed the Writ Petition directing the University to issue the degree certificate to the petitioner therein on the premise that the order passed in Writ Petition No. 16313 of 2014, dated 20.6.2014 was a final order.

While Sri J. Seshagiri Rao, learned counsel for the respondent-writ petitioner, would submit that the University has not preferred any appeal against the order passed in Writ Petition No. 7477 of 2016 dated 9.3.2016, Sri Taddi Nageswara Rao, learned Standing Counsel for Dr. N.T.R. University of Health Sciences, would submit that the University intends to prefer an appeal against the said order also. Be that as it may, the question whether the University of Health Sciences is justified in refusing to release the Post Graduate Degree Certificates of students, who successfully completed such courses from affiliated medical colleges, on the ground that they had avoided undergoing the one

year compulsory rural service, on completion of their Post Graduate Degree/Diploma courses, is still pending consideration before this Court in Writ Petition No. 16313 of 2014. In such circumstances, and as the aforesaid question is yet to be examined in the said writ petition, the Appellant-University cannot be faulted for releasing Certificates only pursuant to the directions of this Court, and in not releasing it to all students who passed the Post Graduate Degree/Diploma Courses.

Imposition of costs of Rs.30,000/- on the appellant and in holding that, if a similar issue came up before the Court, it would be treated as a contempt case, is not justified, in the aforesaid facts and circumstances, as the issue of the respondent-writ petitioner's entitlement to be issued the Post Graduate Degree certificate, without undergoing the compulsory one year rural service, is still pending consideration before this Court. We consider it appropriate, therefore, to set aside the order under appeal. However, in terms of the order passed in W.P.M.P. No. 20241 of 2014 in Writ petition No. 16313 of 2014 dated 20.6.2014, there shall be an interim order in W.P.M.P. No. 35978 of 2016 in Writ Petition No. 29054 of 2016 also.

The order under appeal is set aside. Writ Petition No. 29054 of 2016 is restored to file, and shall be listed along with Writ Petition No. 16313 of 2014. As an interim order was passed in W.P.M.P. No. 20241 of 2014 in Writ Petition No. 16313 of 2014 dated 20.6.2014, there shall be a similar interim order in W.P.M.P. No. 35978 of 2016 in Writ Petition No. 29054 of 2016 directing the appellant herein to forthwith release the original Post Graduate

Degree Certificate in M.D. Radio Diagnosis to the respondent-writ petitioner. Needless to state that issuance of the degree certificate, to the respondent-writ petitioner herein, shall be subject to the result of Writ Petition No. 29054 of 2016.

The Writ Appeal stands disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

17th September, 2016

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