

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SMT. JUSTICE T. RAJANI

WRIT PETITION No.29766 of 2017

ORDER: (*Per VRS,J*)

The petitioner has come up with the above writ petition, challenging a final order of cancellation of her admission into MBBS course.

2. Heard Mr. E.S.R. Prasad, learned counsel for the petitioner, and Mr. Taddi Nageswara Rao, learned standing counsel for Dr. N.T.R. University of Health Sciences, appearing for the respondents 1 and 2.

3. On the allegation that the petitioner secured a seat in MBBS during the academic year 2015-2016 by fabricating an educational certificate as though she studied in a particular locality, she was placed under suspension. The suspension of the petitioner from pursuing the course was set aside by this Court by an order, dated 27.03.2017, passed in W.P.No.24644 of 2016. However, liberty was granted to the respondents to proceed, in accordance with law.

4. Pursuant to the liberty, the impugned order of cancellation of admission has been passed. The impugned order comprises of four paragraphs. The first two paragraphs contain the past history. The last paragraph contains the operative portion of the order. The third paragraph, which contains the reasons, reads as follows:

“In view of the same, the University has examined your explanation and also material (report of the District Educational Officer, Kurnool and your fake/bogus study certificate) on record, the University treats that you have furnished fake/bogus study certificate and also mislead the University at the time of admission into MBBS course for the academic year 2015-2016 at PES Institute of Medical Sciences, Kuppam.”

5. It is obvious from the above paragraph that an enquiry, where witnesses are examined, documents are marked, and witnesses are allowed to be cross-examined, was not conducted before the impugned order was passed. Thus, there has been a violation of the principles of natural justice.

6. In view of the above, the Writ Petition is allowed, the impugned order is set aside, and the matter remanded back. The respondents may conduct a full-fledged enquiry, after giving opportunities to the petitioner, and then pass final orders.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

T. RAJANI, J.

11th September, 2017
cbs



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Writ Petition No.29766 of 2017
(allowed)

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