

*THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

*THE HON'BLE SRI JUSTICE N. BALAYOGI

+WRIT PETITION No. 22871 of 2016

% 09-06-2017

B. Lalith Kalyan, Vijayawada.

.. Petitioner

Vs.

\$ Dr. N.T.R.University of Health Sciences,
rep. by its Vice Chancellor, Vijayawada,
A.P., and two others.

.. Respondents

<GIST:

>HEAD NOTE:

! Counsel for petitioner

: Mr. K.V.L. Narasimha Rao

^ Counsel for respondents 1 & 2: Mr. Taddi Nageswararao

? CASES REFERRED : ----

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No. 22871 of 2016

ORDER: (*Per VRS,J*)

Aggrieved by the proceedings of the Registrar dated 27.06.2016, suspending the petitioner from pursuing the 1st year MBBS Course until further orders, the student has come up with the present writ petition.

2. Heard Mr. K.V.L. Narasimha Rao, learned counsel for the petitioner, and Mr. Taddi Nageswara Rao, learned Standing Counsel for the University.

3. The petitioner secured admission in Sri Venkateswara University local area, under the 85% quota reserved for the local candidates. While he was undergoing the course, the impugned order was passed placing him under suspension on the short ground that he was treated as a local candidate of Sri Venkateswara University local area on the basis of a study certificate produced from a school and that the said certificate was subsequently found to be a fabricated document. It is the claim of the respondents that the petitioner actually belongs to the Andhra University local area, and that he was wrongly given admission in Sri Venkateswara University area, as a local candidate.

4. On 31.08.2016, we passed an interim order directing the respondents to permit the petitioner to take the remaining examinations (practical). This interim order was a detailed interim order and it is self-explanatory. Hence, it is extracted as follows:

“Pending a challenge to the order of suspension imposed by the respondent-University upon him, the petitioner seeks an interim direction to permit him to write the exams.

It appears that the examinations in theory are already over and the examinations in practical alone remain.

As we have seen in yet another case in W.P.No.24644 of 2016, this is also a case where the petitioner got his application registered on 25.09.2015. The receipt issued to him at 17.35 hours discloses that the local area is recorded as Andhra University. But, the next receipt issued at 18.45 hours discloses the local area as SUV. Therefore, something appears to have happened between 17.35 hours and 18.45 hours. The logical inference is that something had happened in the counseling center. Since this could not have happened without any assistance, if not abetment on the part of the person-in-charge of the counseling center, we issue an interim direction to the respondents to permit the petitioner to take the remaining examinations (practical). However, the results shall not be published, until furthers.

Post this writ petition along with W.P.No.24644 of 2016 for final disposal on 19.09.2016.”

5. Subsequently, the respondents filed a counter affidavit contending that several cases of this nature, where non-local candidates were treated as local candidates and granted admission on the basis of fabricated study certificates, were unearthed, and that after referring those cases to a Committee, the impugned order was passed.

6. It is seen from the impugned order that the impugned order was supposed to be a temporary measure. The impugned order states that

the petitioner is suspended from pursuing the course of study until further orders. A period of nearly 9 months has passed from the date of the interim order.

7. It is claimed that a police complaint was lodged and Crime No.34 of 2016 of Gudipalli P.S., Chittoor District, has been registered.

8. In such circumstances, we are of the considered view that the suspension order cannot continue without any end. Obviously, the impugned order dated 27.06.2016 was passed without putting the petitioner on notice and without affording any opportunity. The University has not chosen to put the petitioner on notice and give an opportunity, probably on account of the fact that the suspension was intended to be only a temporary affair. But, this temporary suspension has now prolonged for nearly 9 months.

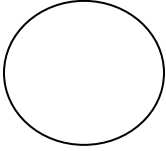
9. Therefore, the writ petition is allowed, the impugned order is set aside and the petitioner may be permitted to pursue the course of study, without prejudice to the right of the respondents to proceed, in accordance with law.

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

V. RAMASUBRAMANIAN, J

N. BALAYOGI, J

9th June, 2017
cbs



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN ✓
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI



Writ Petition No.22871 of 2016
(allowed)

9th June, 2017

cbs