

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SMT. JUSTICE T. RAJANI

WRIT PETITION No.21763 of 2017

and

WRIT APPEAL No.1097 of 2017

COMMON JUDGMENT: *(Per VRS,J)*

Challenging the rejection of their application for affiliation for MBA course for an intake of 120 seats for the academic year 2017-2018, the petitioners in W.P.No.21763 of 2017, who are the respondents 1 to 3 in W.A.No.1097 of 2017, came up first with a writ petition in W.P.No.20407 of 2017 seeking larger reliefs including a challenge to the JNTUH Affiliation Procedure and Regulations for 2017-2018.

2. Since the petitioners failed to secure an interim order in the said writ petition, W.P.No.20407 of 2017, in respect of all courses in general, they came up with the second writ petition, W.P.No.21763 of 2017. The second writ petition went before a learned single Judge, who passed an interim order on 10.07.2017.

3. Challenging the said interim order, the University came up with the above writ appeal, W.A.No.1097 of 2017. While admitting the writ appeal, we passed an order on 08.08.2017 to the following effect:

“Mr. Ch. Dhanamjaya, learned counsel takes notice for respondents 1 to 3.

The very same respondents 1 to 3 earlier came up with a writ petition in W.P.No.20407 of 2017, seeking a larger

relief, both for a declaration that the JNTUH affiliation procedure and regulations for 2017-18 are illegal and also challenging the order dated 19.06.2017 passed by the university rejecting the request for affiliation.

Since we did not grant any interim order, respondents 1 to 3 filed a fresh writ petition abridging the relief sought and confining the relief only to non-grant of affiliation only for MBA course and secured an interim order from a learned Single Judge. Though the respondents 1 to 3 have also disclosed in their affidavit the filing of the previous writ petition, what was actually lost sight of was that wherever surprise inspection revealed the very same deficiencies, as are indicated in the previous batch of writ petitions, this bench consistently refused the interim relief. In fact, this Bench rejected similar prayers for interim relief in respect of 9 institutions by an order passed on 04.08.2017 in W.P.No.21905 of 2017 and batch, wherever the surprise inspection revealed that even the Principal was not present.

Even assuming that respondents 1 to 3 did not want to act smart by filing a second writ petition shrinking the prayers made, respondents 1 to 3 did not deserve an interim order even on merits. The surprise inspection revealed the following:

- *“No Principal*
- *Labs are dusty and rusty*
- *No students available in the College on the day of surprise inspection which was working day.*
- *Only two faculty members were available*
- *No traces of running the class work.*
- *All the laboratories and class rooms were in locked condition.”*

In respect of the colleges where similar findings were recorded by the surprise inspection team, we have refused interim orders.

Respondents 1 to 3 cannot be placed on a higher pedestal than these colleges.

Therefore the interim order granted by the learned Single Judge is not in tune with the law laid down. Hence, there will be an interim suspension of the interim order.”

4. Thereafter, we directed the writ petition also to be posted along with the writ appeal, since the writ appeal arose out of the interim

order passed in the writ petition. Accordingly, both of them are posted before us.

5. Heard Mr. Ch. Dhanamjaya, learned counsel appearing for the writ petitioners, and Mr. A. Abhishek Reddy, learned standing counsel for the University.

6. On account of the interim order passed by us on 08.08.2017, the petitioner college did not get affiliation for MBA course for the current academic year. The last date for the grant of affiliation and for admission of students is already over. Therefore, nothing survives in the writ petition itself. Hence, the Writ Petition, W.P.No.21763 of 2017, is dismissed. It is relevant to note that the first writ petition filed by these petitioners in W.P.No.20407 of 2017 was also dismissed.

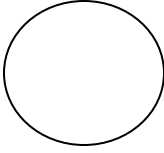
7. Since the main writ petition itself is dismissed, nothing survives in the writ appeal arising out of the interim order passed in the writ petition. Hence, the Writ Appeal, W.A.No.1097 of 2017, is closed.

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

V. RAMASUBRAMANIAN, J

T. RAJANI, J.

18th September, 2017
cbs



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Writ Petition No.21763 of 2017
And
Writ Appeal No.1097 of 2017
(writ petition dismissed and writ appeal closed)

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