

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.18869 AND 21811 OF 2017

COMMON ORDER:

These two writ petitions are being disposed of by this common order as they are filed by the unfortunate students in Arora Legal Sciences Institute, Maariguda, Nalgonda, whose infrastructural facilities are stated to be not in a proper form.

Writ Petition No.18869 of 2017 was filed by seven students, who took admissions in the said institute affiliated to Mahatma Gandhi University, Nalgonda, during the year 2014-15 for three year law degree course. It is their case that though 5th Semester subjects were completed, no examinations were conducted by the University on the ground that regular faculty resigned from the College for their personal reasons and issues with the Management. It is also stated by them that the University Examinations for the 5th Semester scheduled to be held from 15.03.2017 are postponed indefinitely and when no examinations were conducted, the above writ petition was filed.

Writ Petition No.21811 of 2017 was filed by the four students challenging the action of the University in not conducting 1st Semester examinations, which were scheduled to be completed by 28.02.2017. They stated that they are the students of 2016-17 batch and they completed the 1st Semester syllabus.

The learned counsel appearing for Bar Council of India, on the basis of written instructions, submits that originally one Vijaya Law College was established in the year 1991 and it was affiliated to Osmania University, Hyderabad. It was imparting three year as well as five year law courses. The Committee of the Bar Council of India recommended for grant of approval of affiliation for a period of two years from 1991-92 to 1992-93 and the same was approved by the Bar Council of India in its Meeting held on 31.10.1992. When the College applied for extension of approval, the Committee recommended to decline the approval of affiliation beyond the academic year

1996-97, but allowed the students admitted in the year 1996-97 for continue their studies. The Committee directed the college not to admit the students from the year 1997-98. The College did not admit the students from 1997-98 to 2002-03. The College applied afresh in the year 2003 and accordingly inspection was conducted and temporary approval of affiliation was granted from the year 2003-04 to 2005-06 with intake of one section of 80 students for both the courses. When the College applied for extension of approval of affiliation in the year 2006, inspection was conducted and certain deficiencies were noticed. After receiving the verification report from the local Member of the Bar Council of India, the approval was rejected and there was no approval from the year 2011 to 2014 by the Bar Council of India. Thereafter, the College was taken over by Arora's Legal Science Institute, Nalgonda, from the year 2015-16 and the College was named as 'Arora's Legal Science Institute, Nalgonda'. After inspection of the College by the Legal Education Committee and on the basis of the decision taken in the Meeting held on 18.10.2015, the Committee granted temporary approval for affiliation with an intake of 80 students in each course for a period of two years i.e., from the year 2015-16 and 2016-17. The Legal Education Committee considered the letters dated 21.10.2016 and 28.10.2016 received from the new Management and regularized the admissions made by the College from the year 2006-07 to 2014-15. Thus, the students who filed the writ petitions are approved students of the Bar Council of India.

It appears that the Mahatma Gandhi University was established in the meanwhile and as per the counter affidavit filed by the Mahatma Gandhi University, the Vice Chancellor of the University constituted a Fact Finding Committee to enquire into the allegations levelled against the institution and on 22.02.2017, the Fact Finding Committee found the following.

- (a) Six members of the ratified faculty has resigned or terminated and have stopped coming to the College from the month of February, 2017.
- (b) The teaching dairies have not been maintained properly.
- (c) Some classes were not taken from the faculty.

(d) The digital device containing CCTV footage provided by the College showed very less strength compared to the actual intake of the students.

(e) Some students/regular employees are shown as regular students.

(f) The Salary payments and academic record of the College shows that the salaries to the staff were paid till the month of November, 2016 only.

(g) The attendance details of the student provided by the College are very meager compared to the total intake etc.

Based on the recommendations of the Fact Finding Committee, the College was given a show cause notice and even after receiving the said notice, no constructive steps were taken by the College. In the absence of regular faculty members, the syllabus was not completed by the College. In those circumstances only, the examinations were not conducted. It is also stated that the College has now selected some faculty to the Post of the Associate Professors in the College and sent a letter to the Dean, College Development Council of the University to ratify the same by their letter dated 09.06.2017.

The above facts would reveal that proper faculty was not employed by the College in order to teach the students in a full-fledged manner and the faculty earlier employed by the College left the College midway. It is also submitted by the learned counsel for the petitioners that they completed syllabus atleast for one Semester, namely, 5th Semester for the students of 2014-15 and 1st Semester for the students of 2016-17. In spite of completing the syllabus for the said Semesters, no examinations were conducted.

In the circumstances, the Mahatma Gandhi University is directed to hold the examinations of 5th Semester for the students of 2014-15 and 1st Semester for the students of 2016-17. It is apprehended by the students that the College may not extend the facilities for conducting the examinations in a fair manner. In the circumstances, the University shall take necessary steps and direct the College to render necessary assistance for conducting examinations. It is for the University to take further steps after conducting examinations aforesaid in order to regularize the studies of the petitioners.

The writ petitions are accordingly disposed of. Miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

24.10.2017
pln

A.RAMALINGESWARA RAO, J

