

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.12939 OF 2016

ORDER:

Heard Mr.Tarun G.Reddy for petitioners and
Mr.V.Ramchander Goud for respondents 1 to 3.

The petitioners challenge communication dated 14.03.2016 of 1st respondent as arbitrary, illegal, unconstitutional and in violation of principles of natural justice, prays to set aside letter dated 14.03.2016 blacklisting petitioners and direct 1st respondent to recognize the petitioners' Ph.D degree as valid.

The communication reads as follows:

"JAWAHARLAL NEHRU TECHNOLOGICAL UNIVERSITY
HYDERABAD
Established by Andhra Pradesh Act No.30 of 2008
Kukatpally, Hyderabad – 500 085

Date: 14.03.2016

The following faculty with the registration numbers indicated are hereby blacklisted as per Section 12.9 of the affiliation regulations of J.N.T.U.H. Further legal action will be initiated against all concerned in due course.

S. No.	Registration No.	Name of candidate	Department	Remarks
1.	62311-160216-174656	Suthakaran Raj	Pharmacy	Fraudulent Phd certificate
2.	4149-160119-182416	Jayendra Jada	MBA	Fraudulent Phd certificate
3.	9787-160126-134222	Yallamati Eswara Rao	Civil	Fraudulent Phd certificate
4.	6929-160302-154435	Nagendra Kumar	MBA	Fraudulent Phd certificate

5.	5041-160302-135759	Bandarulakshmana	MBA	Fraudulent Phd certificate
6.	3510-160215-110657 3683-160312-135325	Avula Anitha	CSE	Fraudulent Phd certificate
7.	33150405-143554	G.Rekha	CSE	Fraudulent Phd certificate
8.	57150402-162301 43150402-164431 77150402-165523	K.Vinuthna	CSE	Fraudulent Phd certificate

Sd/-
REGISTRAR”

The circumstances relevant for disposal of the writ petition are as follows:

The 1st and 2nd petitioners are working as Assistant Professors in the 4th respondent institution. The petitioners in the years 2013 requested 4th respondent to issue No Objection Certificate to pursue Ph.D. The petitioners applied to 5th respondent-University for Ph.D in Computer Science and Engineering. The petitioners assert that they have undertaken research from July, 2013 to January, 2016 and were finally awarded provisional certificate of Ph.D by 5th respondent. The qualifications of petitioners were updated by 4th respondent as required by Affiliation Procedure and Regulations of 1st respondent-University. The grievance of petitioners is that the 1st respondent instead of ratifying the additional qualifications viz., Ph.D obtained by them on the online portal of 1st respondent University has blacklisted the petitioners by holding that the

petitioners have fraudulent Ph.D certificates. The petitioners state that the 1st respondent is not disputing the genuineness of Ph.D granted by 5th respondent and as a matter of fact the Ph.D granted to Dr.SGopi Krishna by 5th respondent is accepted as a valid additional qualification and the details are updated. The communication impugned in the writ petition firstly cannot and could not be passed under Section 12.9 of the Affiliation Regulations of 1st respondent-University, secondly the petitioners were not put on notice before treating the Ph.D as fraudulently obtained and thirdly when the details are furnished for updating the additional acquisition, passing order blacklisting the petitioners and treating the Ph.D, conferred on them as fraudulently obtained, is arbitrary and unconstitutional.

Respondent No.1 filed counter affidavit. The objections of 1st respondent can briefly be stated under two categories. First objection is that the petitioners have uploaded fraudulent degree certificate and under Section 12.9, the 1st respondent is entitled to take punitive action, such as penalty, blacklisting in the University and legal action. The second objection is that the petitioners were registered as Research Scholars in Jawaharlal Nehru Technological University Academic Regulations and Guidelines in the candidates of research programmes. Once the petitioners are registered under these guidelines, the petitioners are prohibited from registering for research in any other University or institution. Therefore, the Ph.D

issued by 5th respondent cannot and could not be relied upon. The counter affidavit of 1st respondent assigns reasons for issuing the communication impugned in the writ petition. For the order I am proposing to pass, other circumstances are not adverted in this order.

Prima facie, having regard to the settled position of law viz., the explanation offered by way of counter affidavit on the omissions in the order cannot be examined to determine the legality or validity of challenge in the writ petition. Learned counsel for 1st respondent fairly admits that the reasons now referred in the counter affidavit are not stated in the communication impugned in the writ petition.

Adverting to the other objections, it is to be held that the registration of petitioners as Research Scholars in 1st respondent-University and contravention thereof by registering as Research Scholars in 5th respondent-University attracts penal consequence that the candidate will forfeit the admission as Research Scholar in 1st respondent-University. Now the finding recorded by the 1st respondent is that the Ph.D obtained by the petitioners is a fraudulent degree and, therefore, the petitioners have to be blacklisted under Section 12.9 of the Affiliation Procedure and Regulations of 1st respondent-University. In the considered view of this Court, the finding is *prima facie* untenable and violative of

principles of natural justice. As already noted, the petitioners through 4th respondent requested for updating their educational qualifications in the portal maintained by the University. If the 1st respondent entertains any doubt on the details furnished by the petitioners, the petitioners ought to have been put on notice, afforded opportunity of hearing and, thereafter as the circumstances warrant and within the power of 1st respondent, appropriate decision could have been taken.

On this short ground for the reasoning given supra, I am satisfied the communication impugned in the writ petition can be set aside and is accordingly set aside. The 1st respondent is free to issue notice on the information furnished by the petitioners and proceed in accordance with law.

Writ petition is, accordingly, ordered. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J

06th January, 2016

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