

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Delivered on : 27-3-2017

Coram :

The Honourable Mr. Justice V.RAMASUBRAMANIAN  
and  
The Honourable Ms. Justice J.UMA DEVI

Writ Petition No.24644 of 2016

Ms S.Satya Manisha, D/o.S.Satyanarayana,  
Aged 20 years, Occ: Student,  
R/o D.No.5-168, Nadakundura Village,  
Karpa Mandal, East Godavari District

... Petitioner

Vs.

1. Dr. N.T.R. University of Health Sciences,  
Rep. by its Vice Chancellor,  
Vijayawada, Krishna District
2. P.E.S. Institute of Medical Sciences & Research,  
Rep. by its Principal, Kuppam, Chittoor District

... Respondents

For Petitioner : Mr. Prasad E.S.R.

For Respondent No.1 : Mr. Taddi Nageswara Rao,  
Standing Counsel

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN  
AND  
HON'BLE Ms JUSTICE J.UMA DEVI

Writ Petition No.24644 of 2016

Order:

Aggrieved by the proceedings of the Vice Chancellor dated 19-7-2016, suspending the petitioner from pursuing the 1<sup>st</sup> year MBBS Course until further orders, the student has come up with the present writ petition.

2. Heard Mr. Prasad E.S.R., 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 she was undergoing the course, the impugned order was passed placing her under suspension on the short ground that she 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 she was wrongly given admission in Sri Venkateswara University area, as a local candidate.

4. After ordering notice in the writ petition on 26-7-2016, we passed an interim order on 09-8-2016 directing the respondents to permit the petitioner to take the

examination. This interim order was a detailed interim order and it is self-explanatory. Hence, it is extracted as follows:

“Pending the writ petition challenging an order of suspension passed against her, the petitioner has come up with these miscellaneous petitions seeking *inter alia*, (1) suspension of the order of suspension; (2) a direction to allow her to write the examinations scheduled to be held from 09.08.2016.

Heard Mr. BS. Kartik, learned counsel for the petitioner and Mr. Taddi Nageswara Rao, learned counsel appearing for the 1<sup>st</sup> respondent.

The ground on which the petitioner, who was undergoing the 1<sup>st</sup> year MBBS course, has been placed under suspension was that though she actually belonged to Andhra University local area, she produced a fabricated study certificate, as though she belonged to Sree Venkateswara University local area and gained admission into the 1<sup>st</sup> year of MBBS Course. The conclusion that the petitioner fabricated a document with regard to her local area status and gained admission has been reached on the basis of the findings of a Committee constituted for verification of the original certificates.

A careful look at the proceedings of the Committee dated 14.03.2016 would show that after examining the cases of about 10 candidates including that of the writ petitioner herein, the Committee constituted for the purpose, requested the University to examine the study certificates produced by the candidates by referring them to the Director of School Education. Accordingly, the study certificate allegedly produced by the petitioner was referred to the Director of School Education. Thereafter, the University also wrote a letter dated 20.04.2016 to the District Educational Officer, Kurnool, directing him to verify whether the school from which the petitioner allegedly produced a study certificate, viz., Good Shepherd EM High School, Nandyal, Kurnool District, is in existence or not and whether the study certificates are genuine or not. The District Educational Officer has sent a reply after enquiry, on 9.07.2016, stating that the study certificate indicating that the writ petitioner studied from VI class to IX class in Good Shepherd EM High School, was not genuine.

But the contention of the writ petitioner is that she never produced the study certificate in question and that she produced only a study certificate to the effect that she studied from Class-I to Class-X only in St Joseph's Convent School, Kakinada.

In the light of such a stand taken by the writ petitioner that she never produced the study certificate, which is in dispute, it has to be seen whether benefit of doubt at this stage should be given to the petitioner or not.

There are two things that would persuade us to give the benefit of doubt for the present to the petitioner. The first is that the Committee constituted by the university for verification of certificates, has conducted only a preliminary enquiry and not a detailed enquiry giving an opportunity to the petitioner. That stage has not yet been reached.

The second reason is that on the date of counselling, viz., 9.08.2015, the petitioner appears to have claimed local

status only in Andhra University area. The hall ticket issued for APEAMCET-2015 indicating the date of examination as 08.05.2015 shows that the local status claimed by the petitioner was only Andhra University. The receipt for the registration at the time of counselling on 09.08.2015, issued at 10.18 am., also contains the local area status only as Andhra University. But the acknowledgement for receipt of certificates issued in a printed format at 11.08 am., indicates the local area status as Sree Venkateswara University. Therefore, what happened between 10.18 am., and 11.08 am., remains a mystery and the question as to whether the Convenor or the officers who scrutinized the applications at the counselling centre performed their tasks truthfully, looms large.

Therefore, for the above two reasons, we give benefit of doubt to the petitioner for the present to enable her to write the examination for the 1<sup>st</sup> year. The respondent shall permit the petitioner to take the examination but the results of the examination shall be withheld until further orders. We have passed this order on the premise that the petitioner has requisite attendance for writing the examination.

Post after two weeks. The university shall produce all the records relating to the petitioner, produced at the time of counselling.”

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 10 months has passed from the date of the interim order.

7. Though it is claimed that a police complaint was also lodged, no FIR has been registered and as a consequence there are no criminal proceedings pending. In such

circumstances, we are of the considered view that the suspension order cannot continue without any end. Obviously, the impugned order dated 19-7-2016, 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 10 months.

8. 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. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

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V.RAMASUBRAMANIAN, J.

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J.UMA DEVI, J.

27<sup>th</sup> March, 2017.  
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN  
AND  
HON'BLE Ms JUSTICE J.UMA DEVI

Writ Petition No.24644 of 2016



27<sup>th</sup> March, 2017.  
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