

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.28422 OF 2015

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief/s:

“... to issue a Writ, Order or Direction more particularly one in the nature of a “Writ of Mandamus” declaring

A. The action of 2nd Respondent Council and the 5th Respondent Institution in rejecting and not ratifying the admission of the Petitioner in the 5th Respondent Institution in B.Tech - BME course for the academic year 2014-15 issued vide the impugned proceedings dated 10.06.2015, and not permitting the Petitioner to attend 2nd year classes which commenced from 02.07.2015 as being illegal, arbitrary and unconstitutional and

B. Consequently to set aside the impugned proceedings dated 10.06.2015 issued by the 5th Respondent Institution and the rejection of the ratification proceedings issued by the 2nd Respondent Council, and

C. Consequently to direct the Respondents herein to ratify the admission of the Petitioner in the 5th Respondent Institution for the course of B.Tech - BME which commenced from the academic year 2014-15 and to permit the Petitioner to pursue B.Tech - BME course by allowing to appear for exams every year and by treating the admission of the Petitioner as valid for all purposes, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of *Sri N.Ashwani Kumar*, learned counsel for the petitioner; of the learned Government Pleader for Higher Education (TS) appearing for respondents 1 & 2; of *Sri A.Abhishek Reddy*, learned Standing Counsel appearing for respondent nos.3 & 4, of *Sri M.A.Khader*, learned counsel appearing for the respondent no.5; and, of *Sri D.L.Pandu*, learned Standing Counsel appearing for respondent no.6. I have perused the material record.

3. From the pleadings and submissions made, the following facts are noticeable:

“The petitioner pursued his intermediate education from an Institute of Board of School & Technical Education, Bilaspur, Chattisgarh. Later, he secured admission in the 5th respondent Institute of Engineering & Technology, in September, 2014. He was given provisional admission subject to a decision on the issue whether the Certificate issued by the private Board, namely, Board of School & Technical Education, Bilaspur, Chattisgarh, is equivalent to a Certificate that is generally issued by the Board of Intermediate Education of the State of Telangana, the 6th respondent herein. Though at the time of admission of the petitioner into B.Tech Course, a Certificate was given that the two Certificates of the two Boards are equivalent, later, a decision was taken to the effect that the two Certificates of the two Boards are not equivalent. Thereafter, the Secretary of the Board of Intermediate Education of the States of Andhra Pradesh/Telangana, Hyderabad, issued proceedings *vide* Rc.No.0306-C/ERTW-III & IV/2013, dated 15.12.2014, keeping in view, the orders of this Court in W.A.No.1342 of 2014 and W.P.No.29988 of 2014 and batch. By virtue of the said orders, the students, who have already got equivalency certificates in the year 2013, in pursuance of the directions of this Court, and who were admitted and were pursuing further courses shall not be subjected to any further action, since they have already obtained equivalency certificates and pursued/commenced pursuing further higher studies. Since the petitioner was not given the benefit of the said orders in the said proceedings, despite the fact that he was also given an equivalency certificate, the present Writ Petition is filed.”

4. This Court, on 08.09.2015, while admitting the Writ Petition, granted the following interim order in W.P.MP.No.36849 of 2015:

“There shall be interim direction as prayed for. However, the same is subject to the outcome of the W.P. It is further made clear that the petitioner herein shall not claim any equalities at the time of disposal of W.P. in terms of the present interim order.”

5. Later, the petitioner pursued the B.Tech course and completed the said Degree course. However, his pass certificate and other certificates were not issued to him as on today. Be that as it may.

6. As the petitioner's admission into the 5th respondent Institute of Engineering in September, 2014, is not in dispute, in the considered view of this Court, the petitioner is entitled to the same benefit, which is extended to and conferred upon the students covered by the proceedings of the Board of Intermediate Education, dated 15.12.2014, which are referred to supra.

7. In that view of the matter and in view of the interim order granted, this Court is of the considered view that the Writ Petition deserves to be allowed.

8. In the result, the Writ Petition is allowed as prayed for. The necessary consequential orders, if any, to be passed by the officers concerned of the Government or the instrumentalities of the State shall be passed forthwith, and in any event, within four weeks from the date of receipt of a copy of this order, to enable the petitioner to reap the benefits of this order. It is made clear that this order, which is passed in favour of the petitioner herein, having regard to the facts and circumstances

peculiar to this case, shall not be considered as a precedent in future cases, if any, of any students who may claim that their cases are similar to the case of the petitioner herein. Such cases, if any, shall, however, be considered on their individual merit.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

August 09, 2018
MD

