

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.14416 of 2018

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 writ or direction preferably Writ of Mandamus declaring the order dt.2-4-2018 vide order No.UH/RG/2018/37 issued by the respondent no.1 to the extent it concerns the petitioner as illegal, arbitrary, and violative of principles of natural justice and also violative of Art.14 and 21 of Constitution of India and consequently set aside the same and pass such other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.’

I have heard the submissions of the learned counsel for the petitioner and of the learned standing counsel representing the respondents. I have perused the material record.

The case of the petitioner, in brief, is this: ‘He has taken admission in the 1st respondent University for pursuing Ph.D in Social Exclusive and Inclusive Policy in the year 2012 *vide* admission no.12 SIPH06. He is agitating for the rights of the students in the University. On a request of the student, he intended to help a candidate who had come all the way from Kerala to attend an interview in the University as that lady candidate was being denied interview on flimsy ground of non production of latest O.B.C certificate. In that regard, the petitioner along with other student and the candidate merely made a request to the concerned professor/teacher to consider the candidature of the said candidate on humanitarian grounds; and, the same was not considered.

After lapse of one month, the petitioner received a show cause notice from the 3rd respondent stating that he barged into the cabin of the teacher and exhibited aggressive behaviour by using abusing language. Later, the impugned order has come to be passed rustivating the petitioner for a period of six (6) months from the date of issue of the said order, which is dated 02.04.2018; and, he was rendered out of bounds of the entire university of Hyderabad campus including hostels; and, a penalty of Rs.30,000/- was also imposed. Therefore, the present writ petition is filed.'

Learned counsel for the petitioner, after producing a certificate from the Guide of the petitioner, would submit that as per the schedule, the petitioner is expected to submit his Ph.D dissertation by the end of June, 2018, and that it is a dead line and it is not extendable as per the UGC Rules. He fairly submits that an appeal has been filed, on 11.04.2018; and, it is under consideration.

Learned standing counsel appearing for the University strongly opposed for granting any order, *inter alia*, stating that no grounds much less valid grounds are urged in support of the writ petition. He would further submit that as the petitioner has admittedly preferred an appeal, if a direction is given, the appeal would be disposed of by the appropriate authority before the end of May, 2018, and that in view of the conduct & character of the petitioner and his behaviour with a lady teacher of the University, he is not entitled to any relief and that merely

because there is a dead line for submission of his Ph.D dissertation, no relief need be granted.

I have given earnest consideration to the facts & submissions.

Having regard to the facts & submissions, the Writ Petition is disposed of with the following directions:

1. There shall be interim suspension of the rustication of the petitioner until the disposal of the appeal preferred by the petitioner.
2. The concerned authority shall dispose of the appeal as expeditiously as possible and preferably before 31.05.2018.
3. The order rendering the petitioner out of bounds of the entire University campus is modified restricting it to the hostels to enable the petitioner to attend the Library in connection with his dissertation work.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

25.04.2018

Vjl