

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.21247 of 2018

ORDER:

This Writ Petition is filed challenging the proceedings of the 1st respondent dated 31.08.2017 in proceedings No.R/2017-18/632 & 631 wherein and whereby the petitioners were expelled from the Institute.

It is the case of the petitioners that they are pursuing B.Tech Engineering course in the 1st respondent institute. By way of impugned proceedings dated 31.08.2017, both the petitioners were expelled on the ground that they were apprehended by the Task Force, Prohibition & Excise Department, Government of Telangana.

Heard learned counsel for the petitioners and Sri T.Mahender Rao, learned Standing Counsel for respondents 1 & 2.

Learned counsel for the petitioners submits that the punishment imposed on the petitioners is a major penalty and without giving an opportunity of Hearing as required under Section 9 of Appendix-II of Students' Conduct and Disciplinary Code, as such, same is in violation of principles of natural justice.

On the other hand, learned Standing Counsel for respondents 1 and 2 basing on the averments in the counter affidavit submits that serious allegations are leveled against the petitioners and that they have involved in drug peddling, as such, presence of the petitioners as students in the college as well as in the hostel of the 1st respondent institute is very much detrimental

to the reputation of the 1st respondent institution as well as career of other students, as such, the impugned action was initiated against the petitioners, as such, no interference is called for.

In this case, it is to be seen that allegations are made against the petitioners that they are involved in drug peddling and they were apprehended by Task Force, Prohibition & Excise Department and a criminal case was also registered against them. But it is the contention of the learned counsel for the petitioners that without giving an opportunity of hearing, the impugned proceedings have been issued against the petitioners expelling them from the 1st respondent institute, which is in violation of Section 9 of Appendix-II of Students' Conduct and Disciplinary Code, which reads as follows:

“Opportunity of Hearing:

No order other than the order suspending or warning a student shall be passed without giving an opportunity of hearing to the Student/Students.”

A perusal of the impugned proceedings goes to show that no opportunity of hearing is given to the petitioners. Even in the counter affidavit also, there is no averment that before passing the impugned order, an opportunity was given to the petitioners. No doubt, serious allegations are leveled against the petitioners in the counter affidavit, but before passing the impugned order, an opportunity of hearing ought to have been granted to the petitioners by the 1st respondent as required under Section 9 of the Code.

In view of above facts and circumstances, the impugned proceedings dated 31.08.2017 are set aside only on the ground of violation of principles of natural justice. However, this order will not preclude the competent authority from taking action in accordance with law/as per Section 9 of Appendix-II of Students' Conduct and Disciplinary Code.

Since the learned counsel for the petitioners submits that the petitioners will give necessary undertaking to the 1st respondent stating that they will not indulge in such activities in future and that they will pursue their studies, the 1st respondent may take such undertaking into consideration before taking any further action.

Accordingly, this Writ Petition is allowed to the extent indicated above. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

03-07-2018
kvs

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Date 03.07.2018.

kvs