

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION Nos.33132 & 30955 of 2018

ORDER:

Since the cause of action in these two writ petition is one and the same, both are heard together and disposed of by way of this common order.

An order passed by the Executive Council of the respondent university vide proceedings No.S.II(4)/922016/2016 dated 08.08.2018 is under challenge in the present writ petitions.

By way of the said proceedings, the respondent university cancelled the admissions of the petitioners in these writ petitions along with certain others. The principal contention advanced by the learned counsel for the petitioners is that the questioned action is in patent violation of principles of natural justice as the same was not preceded by any show cause notice or any opportunity of hearing to the petitioners herein.

On the other hand, learned Standing counsel for the respondent university Sri K.Jyoti Prasad submits that there is no illegality in the impugned action and having regard to the facts and circumstances of the case, the university had taken a decision to cancel the admissions.

A perusal of the impugned proceedings shows that by referring to a number of proceedings including G.O.Rt.No.167 dated 05.10.2017, the Executive Council of the respondent university cancelled the admission of the petitioners herein into Ph.D course. The impugned proceedings does not indicate the issuance of any show cause notice prior to resorting to the impugned action.

In the concerned opinion of this Court, the said action pointed out by the learned counsel for the petitioners is a patent violation of

principles of natural justice. The respondent university should have issued notice to the petitioners to show cause before resorting to the impugned action. Therefore, the impugned proceedings are liable to be set aside on the said ground alone.

For the aforesaid reasons, these writ petitions are allowed, setting aside the proceedings dated 08.08.2018 of the Executive Council of Andhra University. However, it is open for the respondent university to issue notice and call for explanation from the petitioners herein and to take further action strictly in accordance with law and petitioners are entitled to raise all the grounds available for consideration of the respondents. It is made clear that this order is confined only to the petitioners herein. There shall be no order as to costs.

Miscellaneous Petitions pending consideration, if any, in these Writ Petitions shall stand closed.

Date :11.12.2018
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JUSTICE A.V.SESHA SAI

