

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO**

CONTEMPT CASE No.2295 of 2017

ORDER: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

Respondent – contemnor is present in Court.

This Contempt Case is filed alleging violation of the order passed by us in W.P.No.21836 of 2017 dated 04.10.2017.

In the aforesaid order, it was noted that, by order dated 14.07.2017 while issuing notice before admission, the respondent – University was directed to reserve six seats, among the seats remaining unfilled as on the date of the order, in the S.V.University local area; these six seats had not been filled up till date; as a consequence of the order, declaring Statute 13(3), made under the Act, ultra vires Articles 14 and 15 of the Constitution of India, the respondent – University was directed to consider all eligible candidates, strictly in the order of their inter-se merit, for admission to the six unfilled seats in the six year integrated engineering course; and this exercise was directed to be completed, and the selected students were directed to be admitted within two weeks from the date of receipt of a copy of the order.

Of the six candidates, five belonged to the open category, and one belonged to the Scheduled Castes. While the five open category students had secured 10 out of 10 GPA, the student who belonged to the schedule castes had

secured 9.5 out of 10 GPA. Consequently, if there were six candidates higher than them in the order of merit, the petitioners, who were willing to join in the six vacant seats, could not have been granted admission into the IIIT Course.

We had, in our order dated 08.06.2018, taken note of the submission of Smt M.Vidyavathi, learned Standing Counsel for the respondent – University, that six candidates in the merit list were asked to join in the six seats reserved by this Court; in these six seats, three had joined; and the other three had refused to join; and, even if the seats were to be offered to the next three, the petitioners would not be entitled for admission.

The Respondent – University was, therefore, directed to file an additional affidavit furnishing details of the name, hall ticket number and rank of the last selected candidate; how many candidates, above the petitioners in the merit list, were not granted admission; the name, hall ticket number and rank of the six candidates to whom an offer of admission was made; the name, hall ticket number and rank of the three candidates who had joined; the name, hall ticket number and rank of the three candidates who did not join; and details of the candidates next in the order of merit, including their name, hall ticket number and rank. It was observed, in the said order dated 08.06.2018, that, it was only if these details were furnished, would this Court be in a position to decide whether the respondent – University was justified in their

submission that, even if the remaining three seats had been offered to the next three meritorious candidates, the petitioners could not have been granted admission.

An additional counter affidavit is filed by the Vice-Chancellor of the University furnishing details of the merit list of candidates. While the petitioners rank in the merit list varies from Rank No.156 to 819; the 6th petitioner, who is a member of the scheduled castes, is ranked at 135 in the merit list of students belonging to the scheduled castes. In the additional-counter affidavit, it is stated that the unfilled six seats have been filled up with candidates ranking 1, 4, 6 and 8, and the seat, reserved in favour of the scheduled castes, was filled up by a student who had secured the 2nd rank, if deprivation marks were to be ignored.

Sri P.Veerabhadra Reddy, learned counsel for the petitioners, would submit that since the maximum score, which a candidate can secure, is only 10 out of 10 GPA; and since all the five candidates belonging to the open category have secured 10 out of 10 GPA, it is only if the respondent – University had followed a fair, rational and transparent criteria in ranking all candidates, who secured 10 out of 10 GPA, in the order of their merit, would they be justified in contending that all the seats have been filled up in the order of merit; and, in the absence of such details being furnished, the action of respondent – University not only lacks

transparency but is possibly irrational, and in violation of Article 14 of the Constitution of India.

We must bear in mind that the jurisdiction which we exercise, under the Contempt of Courts Act, is extremely limited. It is only if the order passed by the Court had been violated, and the violation is willful and deliberate, would there be any justification in proceeding further, and in punishing the Vice-Chancellor of the Respondent – University under the Contempt of Courts Act. In the exercise of the contempt jurisdiction, we would not examine the contentions on merits. The question whether the respondent – University has ranked students in a rational manner; and whether such a procedure adopted by the respondent – University accords with the requirement of Articles 14 and 15 of the Constitution of India, are all matters extraneous to these contempt proceedings.

Since all the six seats have been filled up by six candidates, if the action of respondent – University were to be faulted, the admissions of these six candidates would have to be set aside, and the six most meritorious candidates (which may or may not include the petitioners) should be granted admission. No such order can be passed behind the back of the six candidates who have been admitted in the six seats. Needless to state that this order shall not disable the petitioners from questioning the action of respondent – University in ranking candidates, and in filling up the six

unfilled seats by the six students arraying them as respondents in the writ petition.

Subject to the aforesaid observations, the Contempt Case is dismissed. Miscellaneous Petitions pending, if any, shall also stand disposed of. No order as to costs.

RAMESH RANGANATHAN, ACJ

M.GANGA RAO,J

Date: 22.06.2018
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