
(2014) 04 AP CK 0140
In the Andhra Pradesh High Court
Case No : Writ Appeal No. 598 of 2014

B. Chakradhari	Vs	APPELLANT
Potti Sreeramulu Telugu University		RESPONDENT

Date of Decision : 02-04-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 341, 506
Potti Sreeramulu Telugu University Act, 1985 — Section 6(2)(c)

Citation : (2014) 3 ALT 309

Hon'ble Judges : Kalyan Jyoti Sengupta, C.J.; P.V. Sanjay Kumar, J

Bench : Division Bench

Advocate : Srinivas Polavarapu, Advocate for the Appellant; S.M. Subhan, Counsel for Respondent Nos. 1 to 4, Mr. M.A.K. Mukheed, Counsel for Respondent No. 5 and Mr. M. Roopender, Counsel for Respondent No. 6, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Kalyan Jyoti Sengupta, J.—This appeal is sought to be preferred and admitted against the judgment and order of the learned Single Judge dated 16.12.2013, whereby and wherein His Lordship dismissed the writ petition. The appellant filed the writ petition claiming the following relief:

... Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent Nos. 1 to 4 in selecting the respondent Nos. 5 and 6 to the course of Ph.D. (Journalism) for the academic year 2010-11 be declared as illegal, arbitrary and without jurisdiction and opposed to the procedure contemplated under the prospectus issued by them for selection and consequently set aside the selection of the respondent Nos. 5 and 6 for the course of Ph.D. (Journalism) and further direct the respondent Nos. 1 to 4 to provide a seat to the petitioner in the Ph.D. (Journalism) course for the academic year 2010-11.

2. The writ petition was filed in 2012. Going by the prayer of the writ petition, it

is impossible to grant the relief. Even if the Court finds that denial of admission to the petitioner is illegal for nothing can be done at this length of time by the Court. The learned Single Judge has recorded that no seats are available or vacant for the academic years 2010-11 and 2012-13. Although the learned Single Judge passed interim order at the initial stage restraining respondent Nos. 5 and 6 from attending classes, we think that the aforesaid interim order has created more problems than curing the same. The learned Single Judge, who finally heard the matter, has recorded on fact as to why the admission to the appellant-writ petitioner was denied. It has been recorded that on 04.07.2012 the petitioner along with some other students barged into the Vice-Chancellor's chambers, shouted slogans and abused the Vice-Chancellor, Registrar, Professors and other teachers involved in the admission process with filthy language. With this the University filed complaints dated 04.07.2012 and 10.07.2012 basing on which the police registered FIR in Crime No. 140 of 2012 under Sections 341 and 506 IPC against the appellant. Apart from lodging the complaint for which the criminal prosecution might have been initiated by this time, the University authorities referred the matter to the disciplinary committee consisting of two Professors of other Universities, one from Osmania University and another from Dr. B.R. Ambedkar Open University to enquire into the matter. The enquiry committee, basing on the available information, by report dated 28.09.2012 recommended to implement the recommendation made by the disciplinary committee. On receipt of the said report, the respondent University refused to admit the appellant into the Ph.D. (Journalism) course.

3. Learned Single Judge has also recorded that the aforesaid decision is supported by law, as Section 6(2)(c) of the Potti Sreeramulu Telugu University Act, 1985 provides that the University is not required to admit any person or retain any student whose conduct is prejudicial to the interest of the University or the rights and privileges of other students and teachers. Therefore, on fact finding the University came to the conclusion that the conduct and behaviour of the appellant was prejudicial to the interest of the University.

4. Now the question arises whether the selection of the 5th respondent was justified or not. When the appellant's admission was denied, the next eligible candidate was the 5th respondent and the automatic choice would be in his favour. So he was selected. As far as the 6th respondent is concerned, it is recorded by the learned Single Judge that the 6th respondent is physically handicapped person and he stands on a different footing from other candidates under the law and therefore he is entitled to get seat.

5. In view of the aforesaid findings, we are not inclined to admit the appeal and the same is accordingly dismissed. However, it is open for the appellant to seek admission afresh in accordance with law. No order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand dismissed.