

(1998) 09 AP CK 0035

In the Andhra Pradesh High Court

Case No : Writ Petition No. 24231 of 1998 and Batch

D. Sreedhar

APPELLANT

Vs

Kakatiya University and others

RESPONDENT

Date of Decision : 25-09-1998

Acts Referred:

Citation : (1998) 6 ALD 161 : (1998) 6 ALT 264

Hon'ble Judges : Syed Saadatulla Hussaini, J

Bench : Single Bench

Advocate : Mr. L. Prabhakara Reddy, for the Appellant; Mr. T.S. Harinath, SC for Kakatiya University, for the Respondent

Judgement

1. Heard the learned Counsel for the petitioners and Mr. T.S. Harinath, the learned Standing Counsel for the Kakatiya University.
2. Both the Counsel agreed to dispose of the main writ petitions.
3. The only point urged before me by the learned Counsel for the petitioners is that the petitioners were admitted for first year MBA course in 3rd respondent college which is affiliated to the 1st respondent-University. The procedure for granting of admissions to the candidates, is not disputed before me. The procedure as submitted by Mr. Harinath, the teamed Standing Counsel for the Kakatiya University is that the State Council of Higher Education has appointed the Convenor from among the professors of the Osmania University for the conduct of Entrance Test for the MBA for the Academic year 1997-98. The Convenor on the merits of the Entrance test, issues rank cards to the students; thereafter, the various Universities in the State issue respective notifications and call for the applications for admissions fixing a date.
4. The 1st respondent-University constituted an admission Committee on the basis of the rank cards of the various students following the rule of reservation for allotment of seats in various Universities, Colleges and also the affiliated colleges to the University.

5. Mr. T.S. Harinath further submits that without following the procedure, the affiliated colleges have admitted certain students, as such, the admission of the petitioners, is contrary to rules and procedure and it is illegal and they cannot have any vested right to prosecute their studies.

6. The learned Counsel for the petitioners submits that only the Chairman of the Admission Committee which was constituted by the University; directed the Principals of the 3rd respondent College to admit the students; as such, the allegation of the University is without any substance.

7. That being so, the fact that the students have been admitted by the respective colleges in violation of the rules and the procedure, cannot be said that their admission is valid in law; but the other glaring infirmity in the impugned orders passed by the 1st respondent-University cancelling the admissions of the students to the first year MBA course in the 3rd respondent college, is violative of principles of natural justice - for it is admitted before me that no individual notices to the petitioners were issued before passing the impugned proceedings.

8. Mr. Harinath, the learned Standing Counsel for the Kakatiya University contends that the petitioners are not entitled for any notice - for the Fact finding Committee which was constituted by the University and went into certain allegations made to it and also the same was echoed in the State Assembly, probed into the admissions granted in the University, colleges as well as the various affiliated colleges and found that the admissions of the petitioners in the first year MBA course were irregular.

9. Though the contention of the learned Standing Counsel for the Kakatiya University as the first flush seems to be very effective, but it suffers from the fallacy - for the effected parties who are the students and admitted by the 3rd respondent college, cannot be condemned without their being given an opportunity of hearing their side of version/ pleas and as the 1st respondent-University had not considered their explanations, I deem it that without giving proper opportunity or hearing to the petitioners-students, the impugned order passed by the 1st respondent-University suffers from the infirmity and violation of principles of natural justice.

10. In the result, I set aside the impugned order of the 1st respondent bearing No.727/ B2/KU/98, dated 18-7-1998 and 730/B2/KU/ 98, dated 18-7-1998 and direct the 1st respondent-University to issue show-cause notice to the petitioners and after obtaining their explanations, if they submit so, pass appropriate orders in accordance with the rules. This exercise shall be done by the University within a period of eight weeks from the date of receipt of copy of this order and in the event their explanations are found to be valid, their admissions shall be regularised and the results shall be published and they shall be promoted to the next semester in accordance with the rules.

11. It is urged by the learned Counsel for the petitioners before me at the time of concluding the judgment that the second semester examinations are

scheduled to be held from 6th October, 1998. In that event, if the admissions of the petitioners are held to be valid, the University shall hold special examinations for the petitioners and further action be taken in accordance with the Rules.

12. With the above directions, the three Writ Petitions Nos.24231 of 1998, 21784 of 1998 and 21887 of 1998 are disposed of.