

(2003) 07 AP CK 0105

In the Andhra Pradesh High Court

Case No : Writ Petition No's. 4494 and 8212 of 2003

Ravi Rishi Educational Society and Another

APPELLANT

Vs

Osmania University and Others

RESPONDENT

Date of Decision : 09-07-2003

Acts Referred:

Citation : (2003) 5 ALD 799

Hon'ble Judges : V.V.S. Rao, J

Bench : Single Bench

Advocate : S. Niranjan Reddy, for the Appellant; Deepak Bhata Charjee, SC for C.G. for Respondent Nos. 1 and 3 and Government Pleader for Higher Education, for the Respondent

Final Decision : Dismissed

Judgement

V.V.S. Rao, J.—These two writ petitions can be disposed of by common order as the background is same. Writ Petition No. 4494 of 2003 is filed by Ravi Rishi Educational Society, Hyderabad (for short the Society) and Sant Samarth Institute of Management, Bhongir for short, the Institute), whereas Writ Petition No. 4872 of 2003 is filed by 25 students of First Year M.B.A., studying in the institute. In both the writ petitions the petitioners pray that the action of the respondent Osmania University in not permitting the students of the Institute to appear for First Semester M.B.A., Examinations for the academic year 2002-2003 as illegal, and for a declaration that the action of the Osmania University in not treating the students as students of College affiliated to Osmania University as illegal. Consequently, a direction is also sought directing Osmania University to permit the petitioners to appear for First Semester M.B.A, Examinations.

2. During the pendency of these two writ petitions, the Institute approached the Osmania University by making a representation on 15.3.2003 seeking appropriate orders to permit its First Year M.B.A. students to appear for First Semester M.B.A. Examinations on par with Villa Mary Post-Graduate College. The matter was placed before the competent authority who by the communication

dated 27.6.2003 rejected the request for various reasons given therein. Though an application being W.P.M.P. No. 16684 of 2003 in W.P. No. 4494 of 2003 is filed to amend the prayer in the writ petition as cause of action is entirely different, which arose subsequent to filing of two writ petitions, this Court is not inclined to order the application. The W.P.M.P.No. 16684 of 2003 in W.P. No. 4494 of 2003 is therefore dismissed. Liberty is reserved to the Society and the institute, as well as the students to challenge the same by way of separate writ petition, in view of this, it is not necessary to elaborately refer to the facts and various contentions.

3. Suffice to mention that for the academic year 2001-2002 the Institute was affiliated to Osmania University. The Society which is running two other Colleges wanted to integrate them under affiliating umbrella of Jawaharlal Nehru Technological University (JNTU). Therefore, they requested All India Council for Technical Education (AICTE) to change the affiliation of the institute to JNTU. As advised by AICTE, the Institute approached JNTU as well as Osmania University for No Objection Certificate. Both Universities granted No Objection Certificates as requested. In the mean while, as admissions to academic year 2002-2003 were impending, Osmania University issued a notice in the newspapers besides directing the Institute not to make admissions to MBA course and making it clear that the students admitted during the academic year 2001-2002 will be permitted to complete the course under Osmania University. This was done pursuant to a communication sent by the Institute as well as undertaking given by the Institute.

4. Be that as it is, learned Counsel submits that though No Objection Certificate was given by Osmania University and though initially affiliation was given for the academic year 2001-2002 such affiliation was never cancelled and therefore it should be deemed that the Institute continues to be affiliated to Osmania University, I am afraid, I cannot agree with the submission for there is abundant documentary evidence which belie the submission. Indeed, the institute itself obtained No Objection Certificate to seek affiliation elsewhere and they also gave undertaking that they would withdraw Court case if University grants affiliation for 2001-2002. If any request is made by them for subsequent year i.e., 2002-2003, that would show that the affiliation granted by the University on 6/7.11.2002 came to end with end of academic year 2001-2002.

5. An noticed in the beginning of this order representation of the institute was rejected on 27-6-2003 by passing elaborate order. This has to be challenged by the institute and students in separate writ petition. Insofar as these writ petitions are concerned, no declaration as prayed can be granted.

6. With the above observations, the writ petitions are dismissed. No costs.