

**(2005) 02 AP CK 0077**

**In the Andhra Pradesh High Court**

**Case No : Writ Appeal No. 1744 of 2004**

S. Malla Reddy and Others

APPELLANT

Vs

Director, Professor G. Rami Reddy Centre for Distance  
Education, under Open University System, Osmania  
University and Others

RESPONDENT

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**Date of Decision : 08-02-2005**

**Acts Referred:**

**Citation :** (2005) 3 ALD 14 : (2005) 3 ALT 447 : (2005) 2 ALT 447

**Hon'ble Judges :** Devinder Gupta, C.J.; M. Narayana Reddy, J

**Bench :** Division Bench

**Advocate :** A. Hanumantha Reddy, for the Appellant; Deepak Bhattacharjee, for Respondent Nos. 1, 2 and 5, G.P. for Respondent Nos. 3 and 4 and P. Chandrasekhar Reddy, Addl. S.C. for Central Government, for the Respondent

**Final Decision :** Dismissed

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## **Judgement**

Devinder Gupta, C.J.—The petitioners-appellants have joined the course during the academic years 1994-96 offered by the respondent-University by way of distant education under Open University System. Petitioner's case is that they have cleared 16 and 17 subjects out of 18 subjects and are yet to qualify only one or two papers, but, are not being permitted by the respondent-University to appear in the examinations, and, thus, sought direction against respondents to permit the petitioners to complete their course by appearing in one/two examinations so as to enable them to qualify in the course in question. Writ Petition was opposed and the learned Single Judge dismissed the Writ Petition on the ground that the University had taken a decision having regard to the directions issued by the University Grants Commission, which action of respondent-University was upheld by a Division Bench of this Court, and, before discontinuance of the course, the University also considered the hardship of old students who were yet to complete their course, by providing them with two chances. The petitioners-appellants availed of those chances, but could not qualify in all the papers. Therefore, there is no equity in favour of the petitioners-

appellants.

2. Having heard the learned counsel for the parties, we are of the view that there is hardly any force in the Appeal. There is no vested right in the appellants to complete the course. It was subject to regulations of the University. The University Grants Commission had, as far back as in 1997, deprecated the practice of such courses being conducted, and, as a result, the University took a decision to discontinue the course. It was challenged before the learned Single Judge of this Court in a Writ Petition, and, the Writ Petition was allowed. But, the Division Bench set aside the judgment of the learned Single Judge and dismissed the Writ Petition. Then, the plea of "legitimate expectation" was turned down. However, direction was issued for providing one last chance to the students and pursuant to the said order, instead of one chance, two chances were allowed to those who have not completed the course. The petitioner-appellants have also availed of the chances, but have not been able to clear all the subjects. Thus, there is no right vested in the appellants and the learned Single Judge rightly dismissed the writ petition.

3. The Writ Appeal, therefore, stands dismissed. No costs.