
(1998) 03 AP CK 0094

In the Andhra Pradesh High Court

Case No : Writ Appeal No. 370 of 1998

Saint Joseph Education Society

APPELLANT

Vs

Sri Krishnadevaraya University

RESPONDENT

Date of Decision : 11-03-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1998) 5 ALT 377

Hon'ble Judges : Umesh Chandra Banerjee, C.J.; J. Chelameswar, J

Bench : Division Bench

Advocate : C.V. Nagarjuna Reddy, for the Appellant; P.V.R. Sharma, for the Respondent

Final Decision : Dismissed

Judgement

Umesh Chandra Banerjee, C.J.—This appeal is directed against the order of rejection of the writ application by the learned Single Judge. On the factual score, it depicts that the cancellation of a University examination centre has prompted the writ petitioner to move this Court under Article 226 of the Constitution. The learned Single Judge in a very detailed and elaborate judgment came to the conclusion that there cannot be any such legal right to be enforced. In the facts and circumstances of the case, we do find some substance in such observation of the learned Single Judge. The University has a choice or option in the matter of selecting the places for examination. In the event, the University selects one against other place for examination, the question of there being a writ petition challenging the action of the University does not and cannot arise.

2. On the factual score, it, however, appears that there were certain allegations of malpractice as regards the particular examination centre belonging to the petitioner and the University came to the conclusion on that it may not be proper for it to conduct the examinations there. The user of the discretion of the University ought not to be, in our view, interfered with by the Court of law, as otherwise the Court of law would be supervising the examinations conducted by

the University, which is neither warranted nor proper, under any circumstances, The University has authority to determine the places of the examinations and it is no part of the Court's duty to interfere with such function of the University. The decision relied upon by the Advocate in support of the appeal in State of Orissa Vs. Dr. (Miss) Binapani Dei and Others, . in our view, does not bear any application in the contextual facts.

3. In that view of the matter, we are unable to record our concurrence to the submissions of the appellant that a valid right has been eroded warranting intervention of the writ Court. The appeal therefore fails and is dismissed.

No order as to costs.