

APHC010346822025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3329]

MONDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 17336/2025

Between:

1. VISLAVATH VINAY PAWAR, S/O. VISALAVATH SHANKAR, AGED ABOUT 19 YEARS, OCC- II YEAR MBBS, AIIMS MANAGALAGIRI, R/O. 4-22, VADDENA CHERUVU TANDA, ANKILLA, KOILKONDA, MAHABUBANAGAR, TELANAGANA - 509371.
2. VIKRAM SIMHA REDDY ALLAMPATI,, S/O VENAKATESWARLU, AGED ABOUT 21 YEARS, OCC LLL YEAR MBBS, R/O .D.NO.3424, DHANALAKSHMIPURAM, NELLORE-524001.
3. GREESHMANATHNARRA,, S/O UMA MAHESWARA RAO, AGED ABOUT 22 YEARS, OCC LLL YEAR MBBS, R/O. 2-40-8, DANABOYINAVARI STREET, GANDHI NAGAR, TENALI, GUNTUR DISTRICT-522201.
4. PALLERLA ANUDEEP,, S/O. PALLERLA RAJASEKHAR, AGED ABOUT 19 YEARS, OCC II YEAR MBBS, AIIMS MANAGALAGIRI, R/O. 7-7-204/4, MAHALAXMI NAGAR, JAGTIAL, TELANGANA - 505327.
5. JAVVAJIRISHIKESH REDDY,, S/O. MAREDDYJAVVAJI, AGED ABOUT 20 YEARS, OCC-11 YEAR MBBS, AIIMS MANAGALAGIRI, R/O. P-1602, RAINBOW VISTAS ROCK GARDEN HYDERABAD.
6. VONTELA RITESH REDDY,, S/O. V. SATISH REDDY, AGED ABOUT 20 YEARS, OCC- II YEAR MBBS, AIIMS MANAGALAGIRI, R/O. 15-151/A, MIRALAGUDA, MALKAJGIRI - 500047.
7. SIRIGINEEDI HEMANTH DATTA ANIRUDH,, S/O. SIRIGINEEDI VEERA VENKATA SRINIVASARA RAO, AGED ABOUT 19 YEARS, OCC-LL YEAR

MBBS, AIIMS MANAGALAGIRI, R/O. 4-3-9/ D, E-4. SRI RAM RESIDENCY, YSR GARDENS, PITHA PURAM.

8. MADASU SUMANTH,, S/O. MADASU SARATH KUMAR, AGED ABOUT 20 YEARS, OCC- III YEAR MBBS, AIIMS MANAGALAGIRI, R/O. F.NO.409, AVIS AAKRUTHI, PUPPALAGUDA, MANIKONDA, HYDERABAD, TELANGANA - 500089.
9. VAIGANDIA VENKATA SAI SANJAY,, S/O. VAIGANDIA THIRUMALA RAO, AGED ABOUT 20 YEARS, OCC II YEAR MBBS, AIIMS MANAGALAGIRI. R/O. 1/1976 - A PLOT NO. 404, SHILPA PRIDE APARTMENT, GANDHI NAGAR, YEMMIGANUR, KURNOOL DISTRICT.
10. KURA SRICHARAN,, S/O RAMACHANDRA, AGED ABOUT 20 YEARS, OCC II YEAR MBBS, R/O. D-604, MY HOME BHOOJA, NEAR BIODIVERSITY PARK, KNOWLEDGE CITY, HYDERABAD, RAJUR.
11. SANDEEPAN DASH., C/O SHREEMANTA KUMAR DASH, AGED ABOUT 22 YEARS, OCC III YEAR MBBS, R/O. FLAT NO.305, KAILASH BLOCK, MIDVALLY CITY, MANGALAGIRI, GUNTUR DISTRICT, A.P.
12. KANUMURI SRI RAM VARMA,, S/O. KANUMURI SRINIVASA VARMA AGED ABOUT 20 YEARS, OCC- III YEAR MBBS, AIIMS MANAGALAGIRI, R/O. 5-8-30, BANK COLONY, KOTHAPETA, TUNI - 533401

...PETITIONER(S)

AND

1. THE UNIVERSITY GRANTS COMMISSION, MINISTRY OF EDUCATION, GOVERNMENT OF INDIA, REPRESENTED BY ITS SECRETARY, BAHADUR SHAH ZAFAR MARG, NEW DELHI - 110002
2. THE ALL INDIA INSTITUTE OF MEDICAL SCIENCES, REP. BY ITS DIRECTOR, ANSARINAGAR, NEW DELHI - 110029.
3. THE ALL INDIA INSTITUTE OF MEDICAL SCIENCES, REP. BY ITS EXECUTIVE DIRECTOR AND CEO, AIIMS, MANGALAGIRI, ANDHRA PRADESH.
4. THE EXECUTIVE DIRECTOR, ALL INDIA INSTITUTE OF MEDICAL SCIENCES, MANGALAGIRI, ANDHRA PRADESH.
5. THE ANTI RAGGING COMMITTEE ARC, ALL INDIA INSTITUTE OF

MEDICAL SCIENCES, MANGALAGIRI, ANDHRA PRADESH.

6.GUNTHATI DEVAVRATH, , S/O LINGESWARA RAO AGED ABOUT 20 YEARS, R/O D.NO. 6-10-357, SINGALAGUNTA, CHITTOOR-517501.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari, calling for F.No.AIIMS/MG/Registrar/2025-records pertaining to Order vide 26/MISC/ARC/86dated 01/07/2025 passed by Respondent No.3 and quash the same after declaring and declare them as illegal, arbitrary, violation of Principles of Natural Justice and violation of Articles 14 and 21 of the Constitution of India and consequently direct the Official Respondents to permit the Petitioners to pursue their respective MBBS courses in Respondent Nos.2 and 3 institutions, and pass

Counsel for the Petitioner(S):

1.P S P SURESH KUMAR

Counsel for the Respondent(S):

Sri Jupudi Yagna Dutt

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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This Court made the following

ORDER:

Heard Sri N. Subba Rao, learned Senior Counsel appearing for the Petitioners and learned Standing Counsel for Respondents.

2. Learned Senior Counsel would contend that, the 1st respondent who received the complaint, has forwarded the same for appropriate action to the 3rd respondent herein. Then the 3rd respondent said to have been conducted a detailed investigation through its Anti Ragging Committee (ARC) issued office order dated 01.07.2025, which is contrary to its own regulations and principles of natural justice.

3. He further asserts that the so called investigation by ARC is contrary to regulation No.23 of National Medical Commission (Prevention and Prohibition of Ragging in Medical Colleges and Institutions) Regulations, 2021 (NMC), as no notices were served and no enquiry was conducted as contemplated. For better understanding Regulation No.23 is extracted herein below:

“23. Institutional inquiry or investigation and report.— (1) The Head of the Institution shall constitute a specific committee to inquire into or investigate the incident of ragging without waiting for the report of any other authority, even if this is being investigated by the police or local authorities.

(2) The inquiry or investigation shall be conducted thoroughly including on-the-spot or site of the incident in a fair and transparent manner, without any bias or prejudice, upholding the principles of natural justice and giving adequate opportunity to the student or students accused of ragging and other witnesses to place before it the facts, documents and views concerning the incident of ragging, and considering such other relevant information as may be required.

(3) The entire process shall be completed and a report duly submitted within seven days of the information or reporting of the incident of ragging.

(4) The report shall be placed before the Head of the Institution or the Anti-Ragging Committee.

(5) The Anti-Ragging Committee shall examine the report, decide on and recommend further administrative action to the Head of the Institution.”

4. Further, learned Senior Counsel also relied upon a ratio laid down by the Allahabad High Court in **Prin./Chief Medical Superintendent, Saraswati Medical Colleges and Others v. Mohammad Shakir Hussain and others**¹ wherein it was observed as under:

(15) As per the aforesaid statutory prescriptions available in Regulation 23, Head of the Institution is to constitute a specific committee to inquire into or investigate the incident of ragging. Sub-Regulation (2) of Regulation 23 categorically provides that the inquiry or investigation has to be conducted thoroughly in a fair and transparent manner, without any bias or prejudice, upholding the principles of Natural Justice and giving adequate opportunity to the student or students accused of ragging. It also provides that the inquiry/investigation shall be conducted by providing opportunity to the witnesses to place the facts, documents and their views concerning the incident of ragging and by considering any such material which may be relevant. The inquiry/investigation to be conducted by the specific committee is to be placed before the Head of the Institution or the Anti Ragging Committee. The Anti-Ragging Committee thereafter is to examine the report, decide and recommend further administrative action to the Head of the Institution. Under Regulation 24, as observed above, Head of the Institution is to take final decision.

¹ 2022 SCC OnLine All 699

(16) The Regulations 2021 are statutory in nature having been framed under section 57 of the National Medical Commission Act 2019 and hence are binding and no deviation from the same is permissible under law.

(18) Regulation 23(2) clearly provides that the inquiry/investigation by the specific committee shall be conducted not only in fair and transparent manner, but also without any bias or prejudice. It further provides that the specific committee while conducting the inquiry/investigation shall uphold the principals of Natural Justice giving adequate opportunity to the student or students against whom charges/complaint of ragging are leveled/made. It, thus, clearly encompasses in its fold adequate protection to a student facing the charge of ragging. Occurrence of the words "Upholding the principles of Natural Justice and giving adequate opportunity to the students or students, accused of ragging" in Regulation 23(2) makes it more than clear that condemning a student of any alleged act of ragging is not permissible without affording him opportunity of hearing, placing the facts, making his statement as also confronting with any material, which is proposed to be relied upon by the Institution for taking action against such student.

(21) Regulation 23(2), as quoted above, clearly prescribes that inquiry/investigation is to be held giving adequate opportunity to the student/students, accused of ragging. It also clearly provides that inquiry/investigation is to be held in a manner which shall uphold the principles of Natural Justice. Holding institutional inquiry/investigation by the specific committee in terms of Regulation 23 may not be treated equivalent to a criminal trial, however, since the Regulations 2021, contain an unambiguous and unequivocal mandate that such inquiry/investigation shall be held upholding the principles of Natural Justice and giving adequate opportunity to the student accused of ragging, in our considered opinion, certain facets of principles of Natural Justice while conducting such an institutional inquiry need to be followed in every such inquiry/investigation.

5. The Anti Raging Committee of AIIMS received a ragging complaint from the University Grants Commission, wherein, detailed investigation was conducted by the Anti Ragging Committee for which the petitioners were called for and they agreed their wrongful action and requested for pardon.

Thereupon, the Committee rusticated all the petitioners from the institute for 3 semesters and imposed fine of Rs.25,000/- each upon them by passing impugned order dated 01.07.2025 in continuation of order of suspension dated 24.06.2025. He further submits that such a major punishment would affect the lives of the petitioners and personal liberty, so also right to education and requested to permit the petitioners to appear for the ensuing examinations scheduled from 23.07.2025 till 30.08.2025.

6. On the other hand, Sri Jupudi Yagna Dutt, Standing Counsel appearing for All India Institute of Medical Sciences (AIIMS) vehemently opposed the submissions of the learned Senior Counsel. He submits that, the petitioners were expelled from the institute in consonance with the report given by the Anti Ragging Committee, after conducting detailed investigation, as such, this Court need not interfere into the suspension proceedings issued by the respondents.

7. Considering the submission made by both the counsel and on perusal of the Regulation No.23 of NMC Regulations, 2021, it is clear and categorical that the 3rd respondent shall adhere to the procedure as explained, but in the instant case the 3rd respondent neither observed principles of natural justice nor principle of fair and reasonableness and seems to be conducted the entire investigation as in house investigation. More so, the alleged detailed investigation said to have been conducted is neither in accordance with

Regulation No.23 and the ratio laid down by Hon'ble Allahabad High Court, wherein the Regulation No.23 is dealt with nor by observing principles of natural justice and principle of fair and reasonableness. Hence, the impugned office order is lacks merits and unsustainable. Accordingly, the impugned order dated 01.07.2025 hereby suspended. Further, the 3rd respondent is at liberty to proceed further in accordance with law.

8. However, considering the future career of the petitioners and taking lenient and sympathetic view, respondents are directed to permit the petitioners to pursue their MBBS course by attending classes and practical examinations scheduled from 23.07.2025 till 30.08.2025, for a period of six (06) weeks.

9. For filing counter affidavit(s), post after six (06) weeks.

JUSTICE VENKATESWARLU NIMMAGADDA

14.07.2025
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THE HON'BLE SRI JUSTICE VENAKTESWARLU NIMMAGADDA

WRIT PETITION NO.17336 of 2025

14.07.2025

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