

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE No.: W.P. No.1908 of 2026

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
01.	21.01.2026	<u>SN, J</u> Heard Sri Kalyan Chippakurthi, learned counsel appearing on behalf of the petitioner. It is the specific case of the petitioner that the order impugned dated 09.01.2026 vide Memo No.1920/Acad/A2/2025 had been issued to the petitioner herein expelling/debarring the petitioner from the Respondent University duly cancelling their admissions in Colleges and Hostels and further repatriating the petitioner to the parent department with immediate effect invoking clause 3 sub clause (i) of PJTAU (Professor Jayashankar Telangana Agricultural University) Regulations 2016 i.e., Student Conduct and Discipline. Aggrieved by the same, the petitioner approached the Court by filing the present writ petition. <u>Learned counsel appearing on behalf of the petitioners mainly puts forth the following submissions:</u> (i) That the Memo impugned dated 09.01.2026 of the 3rd respondent is in clear violation of principles of natural justice. (ii) The Memo impugned not only	Transferred to IO folder before corrections, if any

		expelled/debarred the petitioner by cancelling their admissions in Colleges and Hostels unilaterally, it also repatriated the petitioner to parent department with immediate effect with a specific direction to the petitioner to leave immediately under intimation to the Registrar of the Respondent University. (iii) The Memo impugned inflicts stigma to the students effecting the career and future of the students, Therefore, the learned counsel appearing on behalf of the petitioner contends that the petitioner is entitled for the relief as prayed for in the present writ petition. Sri Veda Vikas Mudiraj, learned Standing Counsel appearing on behalf of the Respondent University seeks time. A bare perusal of the impugned Memo/ Proceedings dated 09.01.2026 issued by the 3rd Respondent University clearly indicates that the Memo impugned, dated 09.01.2026 had been issued without issuing notice to the petitioner herein, the same admittedly as borne on record is in clear violation of the principles of natural justice. The Memo impugned also is stigmatic because it indicates that the petitioner indulged in malpractice, leakage of question papers and bribing the staff members at the threshold itself which admittedly cannot be proved against the petitioner herein without a detailed enquiry being	
--	--	--	--

		conducted into the said allegations in accordance to law, without putting the petitioner on prior notice, which admittedly even according to the respondents did not take place in the present case. <u>The Apex Court in the Judgment dated 05.03.2002 in W.P.No.1486 of 2002 in "V. RAMCHANDER GOUD-PETITIONER v. CONTROLLER OF EXAMINATIONS, OSMANIA UNIVERSITY HYDERABAD AND ANOTHER-RESPONDENTS", dealing with the case of involvement of student in malpractice at paras 8 and 9 observed as under:</u> "8. The Supreme Court in Board of High School and Intermediate Education v. Ghanshyam Das Gupta, AIR 1962 SC 1110 observed that the effect of the decision of the Committee may in an extreme case blast the career of a young student of life and in any case will put a serious stigma on the examinee concerned which may damage him in later life. The nature of misconduct which the Committee has to find in such cases is of a serious nature, for example, impersonation commission of fraud, and perjury and the Committee's decision in matters of such seriousness may even lead in some cases to the prosecution of the examinee in Courts. 9. In Y. Nalini Kanth v. Controller of Examination, Nampally, Hyderabad, 1999 (5) Andh LD 452 this Court while referring to decisions in A. Ramakoteswara Rao v. Vice-Chancellor, Nagarjuna University Guntur, (1990) 3 Andh LT 1: (AIR 1991 Andhra Pradesh 71), S.L. Kapoor v. Jagmohan, AIR 1981 SC 136 and Vibhu Kapoor v. Council of Indian School Certificate Examination, AIR 1985 Delhi 142	
--	--	---	--

		(FB) held that cancelling the examination and debarring the candidate from appearing in future examinations for the mal-practice of copying forbidden material in the answer sheet without issuing a show cause notice to the candidate is bad." The Constitutional Bench of the Apex Court in the Judgment dated 06.02.1962 passed in Civil Appeal No.132 of 1959 reported in AIR 1962 Supreme Court 1110 in "BOARD OF HIGH SCHOOL AND INTERMEDIATE EDUCATION U.P. ALLAHABAD-APPELLANT Vs. GHANSHYAM DAS GUPTA AND OTHERS-RESPONDENTS", very clearly observed that action in cases of examinees using unfair means the Principle of <i>audi alteram partem</i> applies and the competent authority i.e., the Committee should necessarily act quasi judicially. The relevant portion at para 12 of the said judgment is extracted hereunder: "12. It is urged on behalf of the appellant that there are a large number of cases which come up before the Committee under R.1(1), and if the Committee is held to act judicially as a quasi-judicial tribunal in the matter it will find it impossible to carry on its task. This in our opinion is no criterion for deciding whether a duty is cast to act judicially in view of all the circumstances of the case. There is no doubt in our mind that considering the totality of circumstances the Committee has to act judicially when taking action under R.1(1). As to the manner in which it should give an opportunity to the examinee concerned to be heard, that is a matter which can be provided by Regulations or Bye-laws if necessary: As was pointed out in Local Government Board	
--	--	---	--

		v. Alridge, 1915 A.C. 120 <u>all that is required is that the other party should have an opportunity of adequately presenting his case.</u> But what the procedure should be in detail will depend on the nature of the tribunal. There is no doubt that many of the powers of the Committee under Chapter VI are of administrative nature; <u>but where quasi-judicial duties are entrusted to an administrative body like this it becomes a quasi-judicial body for performing these duties and it can prescribe its own procedure so long as the principles of natural justice are followed and adequate opportunity of presenting his case is given to the examinee. It is not however necessary to pursue this matter further, for it is not in dispute that no opportunity whatsoever was given to the respondents in this case to give an explanation and present their case before the Committee. We are therefore of opinion that though the view of the High Court that the Committee was acting merely administratively when proceeding under R.1(1) is not correct, its final decision allowing the writ petition on the ground that no opportunity was given to the respondents to put forward their cases before the Committee is correct. We therefore dismiss the appeal. No order as to costs in the circumstances. Appeal Dismissed."</u> <u>Taking into consideration:</u> (1) The aforesaid facts and circumstances of the case, (2) The submissions made by the learned counsel appearing on behalf of the petitioner, and the learned standing counsel appearing on behalf of the Respondent University;	
--	--	--	--

		(3) The contents of the impugned order dated 09.01.2026 vide Memo No.1920/Acad/A2/2025 issued by the 3rd Respondent University herein, (4) The fact as borne on record that the petitioner had not been put on prior notice, prior to issuance of the Memo impugned dated 09.01.2026 of the 3rd respondent, (5) The observations of the Apex Court in the Judgments referred to and extracted above, This Court opines that <i>prima facie</i> case is made out by the petitioner for grant of interim suspension of the impugned Memo No.1920/Acad/A2/2025, dated 09.01.2026 of the 3rd respondent, hence the impugned Memo dated 09.01.2026 of the 3rd respondent stands suspended, for a period of three (03) weeks from today. At the request of the learned counsel appearing on behalf of the respondents, list the matter on 28.01.2026 along with W.P.Nos.1329 of 2026 & 1522 of 2026. _____ SN,J <i>Yvkr</i>	
--	--	---	--