

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI
THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION No. 4002 of 2023

ORAL ORDER:

Heard Sri Karumanchi Indraneel Babu, Ld. Counsel for the Writ Petitioner and Sri Rambabu Koppineedi, Ld. Standing Counsel appearing for Nagarjuna University.

2. The Writ Petitioner took Admission in M.A. Rural Development Course. The Prospectus issued by the Respondents University for APPGCET-2022 indicates that an Applicant, who has secured a Post Graduation Decree in Professional Course, is ineligible to apply for the Post Graduation Course for M.A. Rural Development. Therefore, it goes without saying that the Applicant who has Post Graduate Decree in non professional course is eligible for seeking admission into M.A. Rural Development. The Prospectus (Ex.P7) has provided list of Post Graduate Courses for APPGCET-2022.

3. The relevant portion of the Prospectus is as under:

**“List of Post Graduate Courses for
APPGCET – 2022”**

Note: Professional degrees are B.E., B.Tech., M.B.B.S. and B.U.M.S. The candidates are advised to ensure that they are eligible for the course/subject they are applying for. Candidates with Professional degrees B.E./B.Tech./M.B.B.S./B.U.M.S. are not eligible for courses with codes PG001 TO PG011; PG013 TO PG016; PG042 TO PG044; PG052; PG053 AND PG077.”

4. The Writ Petitioner, as per the conditions mentioned in the Prospectus for APPGCET-2022 (Ex.P7) was initially given admission in M.A. Rural Development. The Writ Petitioner had received the Allotment Letter (Ex.P2) and the Writ Petitioner had paid the requisite fee (Ex.P3) and submitted all the Certificates on 15.12.2022 and had started attending classes.

5. By Letter dated 10.01.2023 (Ex.P1) the Head, Department of Rural Development (Respondent No.4) has communicated to the Principal, University College of Arts, Commerce and Law (Respondent No.3) to the following effect:

“Madam,

**Sub: Cancellation of Admission –
Gurram Bhagyaraju M.A. Rural
Development – Regarding.**

It is bring to your notice that Mr. Gurram Bhagyaraju joined in M.A. Rural Development for the academic year 2022-2023 as per APPGCET-2022 convenor allotment in second phase counselling. The eligibility for admission into M.A. Rural Development is passed Any Graduate Degree (Non Profesional). In this context it is to be mentioned that Mr. Gurram Bhagyaraju did M.B.A. (I.B.) which is professional P.G. Degree.

Hence, Mr. Gurram Bhagyaraju is not eligible to seek admission into M.A. Rural Development as he has done P.G. Degree in Professional course (M.B.A. (I.B.)). At the time of admission in verifying original certificates it is overlapped in noticing it. Please take further action in this regard.

Thanking you,

Yours sincerely,

(V.Divyathejomurthy).

HEAD

**Department of Rural Development
Acharya Nagarjuna University
Nagarjuna Nagar – 522 510.”**

6. Sri Karumanchi Indraneel Babu, Ld. Counsel for the Writ Petitioner has submitted that the communication dated 10.01.2023 (impugned herein as Ex.P1) is *per se* illegal to extent of perversity, inasmuch as, the Prospectus does not disqualify the Petitioner, who has done MBA (IB) from seeking admission in M.A. Rural

Development. He has drawn the attention of this Court to the contents of the Prospectus (Ex.P7).

7. This Court, having gone through the contents of the Prospectus (Ex.P7) and also having gone through the Counter-Affidavit, which has been affirmed and signed by the Registrar of University has on 01.05.2023, had passed the following Order:

“1.

2.

3. The material papers filed by the Writ Petitioner, particularly Ex.P.7, which is a prospectus downloaded from the Internet, would indicate that the professional Courses include only B.E., B.Tech., M.B.B.S and B.U.M.S. The Head Note would clearly indicate that such of those Candidates who possess Professional Courses in B.E., B.Tech., M.B.B.S and B.U.M.S are not eligible for Courses with Codes PG001 to PG011; PG013 to PG016; PG042 to PG044; PG052; PG053 & PG077.

4. Admittedly, the Course for which the Petitioner has applied is M.A. Rural Development (PG034) and therefore, this Course with Code PG034 does not fall in the Prohibited List.

5. *Prima facie*, it appears to this Court that the Deponent of the Affidavit has deposed something which is contrary to the material on record i.e., Ex.P7. The material papers referred as above is in fact the prospectus which is issued by the University itself. This is a case of *res ipsa loquitur*.

6. The Registrar of the Acharya Nagarjuna University (ANU) is directed to appear in-person at 10.30 A.M., on 05.05.2023.

7. Sri Rambabu Koppineedi, Learned Standing Counsel appearing for University is directed to inform the content of this Order forthwith to the Registrar of the Acharya Nagarjuna University (ANU).

8. ”

8. As the Registrar of the University could not personally be present on 05.05.2023 due to Official Commitments, the Registrar was directed to appear before the Court on 10.05.2023. Prof. B.Karuna, M.A. Ph.D., Registrar of the Respondents University, appeared before the Court on 10.05.2023 and had submitted that the action impugned hereunder was initiated on the basis of the advice given by the Head, Department of Rural Development and that believing the same to be correct she had signed the Counter-Affidavit in the capacity of the Registrar of the University. She has submitted that it was a bonafide mistake on her part and have not personally verified the facts in the present case. The Registrar has also informed the Court that since the impugned action is unsustainable in view of the conditions in Prospectus, which are clear enough, she would immediately initiate

steps to withdraw the Order for cancelling the admission of the Writ Petitioner.

9. In this view of the matter, the matter was posted for Hearing/Compliance on 12.05.2023. On 12.05.2023, Sri Rambabu Koppineedi, Ld. Standing Counsel appearing on behalf of Acharya Nagarjuna University has placed the Proceedings of the Respondents University bearing No.ANU/UC / ACL / Withdrawal / Adm. Cancellation/GB/ RD/2023, dated 10.05.2023 on record. The said Memorandum reads as under:

“

MEMORANDUM

Sub: ANU - UCACL – Withdrawal of Admission Cancellation – Mr. Gurram Bhagyaraju – Department of Rural Development – Orders – Issued.

Ref: Lr dated 10.01.2023 of the Head of the Department of Rural Development.

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It is ordered that the Admission Cancellation of Mr. Gurram Bhagyaraju in MA Rural Development vide letter of the Head, Department of Rural Development at reference cited above, is withdrawn by the University College of Arts, Commerce & Law, ANU with immediate effect.

PRINCIPAL ”

10. In view of the issuance of this Memorandum dated 10.05.2023, the grievance of the Writ Petitioner is redressed.

11. This Court is of the view that the cause of action for filing the present Writ Petition arose on account of the extreme degree of non-application of mind on the part of the Head, Department of Rural Development (Dr.V.Divyathejomurthy, who possess the following educational qualifications: M.A., B.Ed., M.Phil., Ph.D). He is also the Chairperson, BOS PG Studies. It is unfortunate that a person of this scholarship and being the Head of the Department of the Rural Development, had arrived at such perverse decision leading to the cancellation of the admission of the Student/Writ Petitioner without 'any' application of mind. The eligibility conditions for securing admission are clearly set out in the Prospectus. On a perusal of this Prospectus, it appears to this Court that a person of ordinary prudence and minimum education could have read and understood the eligibility conditions. The Writ Petitioner, by no stretch of imagination, could

have been declared ineligible for seeking admission into M.A. Rural Development Course (with code bearing PG034), and therefore, the negligence by which this Head, Department of Rural Development has passed the Order for cancelling the admission of Writ Petitioner in such a casual manner is an issue which this Court is unable to comprehend and countenance, that too, when it is passed by an Authority with such academic eminence.

12. The Hon'ble Supreme Court of India in ***Municipal Committee, Hosharpur Vs. Punjab State Electricity Board and Others (2010) 13 SCC 216***, at Para No.28 defined the word "Perversity". Para No.28 is usefully extracted hereunder:

The Hon'ble Supreme Court of India in ***Municipal Committee, Hosharpur Vs. Punjab State Electricity Board and Others (2010) 13 SCC 216***, at Para No.28 defined the word "Perversity". Para No.28 is usefully extracted hereunder:

"28. If a finding of fact is arrived at by ignoring or excluding relevant material or by taking into consideration irrelevant material or if the finding so outrageously defies logic as to suffer from the vice of irrationality incurring the blame of being perverse, then the finding is rendered infirm in the eye of the law. If the findings of the Court are based on no evidence or evidence which is thoroughly unreliable or evidence that suffers from the vice of procedural irregularity or the

findings are such that no reasonable person would have arrived at those findings, then the findings may be said to be perverse. Further if the findings are either ipse dixit of the Court or based on conjecture and surmises, the judgment suffers from the additional infirmity of non-application of mind and thus, stands vitiated. (Vide Bharatha Matha v. R. Vijaya Renganathan[(2010) 11 SCC 483 : AIR 2010 SC 2685] .)”

13. The facts in the present case squarely fall into the degree of extreme perversity as defined herein above by the Hon’ble Apex Court. The action of the Head, Department of Rural Development is extremely perverse, which had led to the cancellation of the admission of the Writ Petitioner. If this situation is viewed from the angle of the Writ Petitioner, this Court would not hesitate to state that the casual approach of the Head had put the future and career of the Writ Petitioner in peril. The time is trite for this Court to hold that even by the negligent act of the University Authorities, the future and career of the students, cannot be put in peril. This Court would not hesitate to deal with such a situation with an iron hand, if such an action is brought before it.

14. In this view of the matter, this Court while allowing the Writ Petition, is inclined to impose exemplary costs on the Head of the Department (Respondent No.4), because, by his extremely perverse Order, he had subjected a student pursuing M.A. Rural Development Course to approach this Court by way of present Writ Petition by incurring litigation costs. This Court has taken note of the fact that the Writ Petitioner is only a student and he is not working for gain (unemployed), and therefore, he shall be adequately compensated to meet with his legal expenditure. At the same time, this Court is of the view that the University shall not be saddled with the financial liability for a mistake that is grossly committed by the Head, Department of Rural Development with absolute non-application of mind.

15. Accordingly, the Writ Petition is allowed.

16. The Registrar of the Acharya Nagarjuna University is directed to pay Exemplary Costs of a sum of Rs.15,000/- (Rupees fifteen thousand) within three (3)

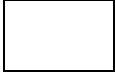
weeks from today to the Writ Petitioner for the reasons aforesaid. It is further directed that the Acharya Nagarjuna University shall collect the said amount (Rs.15,000/-) by deducting the same from the next month's salary of the Respondent No.4 namely the Head, Department of Rural Development, Acharya Nagarjuna University. The Registrar of the Acharya Nagarjuna University is directed to file an Affidavit of Compliance within five weeks.

17. Interlocutory Applications, if any, stand closed in terms of this Order.

18. List the matter 09.08.2023 for Compliance.

G. RAMAKRISHNA PRASAD, J

Dt: 15.06.2023.
SDP/JKS



THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION No. 4002 OF 2023

15.06.2023

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SDP/JKS