

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT APPEAL No.48 of 2025**

**JUDGMENT:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. T.Sharath, learned counsel for the appellants.

Mr. Chintala Srikanth, learned counsel for the respondent No.1.

Mr. R.Nagarjuna Reddy, learned Assistant Government Pleader for Health, Medical & Family Welfare Department, for the respondents No.2 to 4.

2. This intra court appeal is filed against the common order dated 10.12.2024 passed by the learned Single Judge in W.P.No.32848 of 2024.

3. Facts giving rise to filing of this appeal in nutshell are that the respondent No.1 was admitted to Post Graduate course in Anaesthesia for the academic year 2021-2022 at Kakatiya Medical College, MGM Hospital, Warangal (hereinafter referred to as, "the College"), which is affiliated

to the Kaloji Narayana Rao University of Health Sciences (hereinafter referred to as, “the University”). Crime No.69 of 2023 was registered against the respondent No.1 by the police for the offences punishable under Sections 306 and 354 of the Indian Penal Code, 1860, and Sections 3(1)(r), 3(1)(w)(ii), 3(2)(v) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. By a notice dated 09.06.2023, the College has suspended the respondent No.1.

4. The respondent No.1 challenged the aforesaid notice in a writ petition, namely W.P.No.15669 of 2023. The said writ petition was allowed by an order dated 11.09.2023 by the learned Single Judge of this Court by which the order of suspension dated 09.06.2023 was set aside. However, the liberty was reserved to the College to initiate fresh proceeding against the respondent No.1 by adhering to the principles of natural justice by providing reasonable opportunity. The College was also directed to comply with the procedure prescribed in the National Medical Commission (Prevention and Prohibition of Ragging in

Medical Colleges and Institutions) Regulations, 2021 (hereinafter referred to as, “the Regulations”).

5. The College thereupon issued notices dated 25.09.2023 and 26.09.2023 to the respondent No.1 by which he was asked to submit an explanation as to why disciplinary action should not be taken against him. The respondent No.1 thereupon questioned the validity of the aforesaid show cause notices in a writ petition, namely W.P.No.27381 of 2023. The learned Single Judge, by an interim order dated 03.10.2023, directed the College not to take any coercive steps against the respondent No.1 in pursuance of the notices dated 25.09.2023 and 26.09.2023 for a period of two weeks. The College was further directed to consider the reply dated 29.09.2023 submitted by the respondent No.1. The College thereupon issued notice by which the respondent No.1 was permitted to join the College on 04.10.2023.

6. Thereafter, on 16.10.2023 the College served a notice to the respondent No.1 directing him to submit his answers to a set of questions. The College thereupon informed the

respondent No.1, vide communication dated 01.11.2023, that the answers will be placed before the Anti Ragging Committee (hereinafter referred to as, “the Committee”). The respondent No.1, vide communication dated 02.11.2023, requested the College to permit him to take the assistance of a lawyer at the time of personal enquiry by the Committee. On 06.11.2023, the respondent No.1 was informed that the meeting of the Committee was fixed on 09.11.2023 and the respondent No.1 was asked to attend the same.

7. The respondent No.1 submitted the concluding remarks on 10.11.2023 instead of 09.11.2023 and the Committee submitted its recommendations. On the basis of the recommendations of the Committee, a show cause notice dated 13.11.2023 was issued to the respondent No.1. The respondent No.1 submitted a representation to the College to provide a copy of the minutes of the meeting. Thereafter, the College issued another notice to the respondent No.1 on 13.11.2023 by which the decision

taken in the meeting of the Committee was informed to him.

8. Thereupon, the respondent No.1 filed W.P.No.31910 of 2023. The learned Single Judge, by an interim order dated 20.11.2023, directed the respondent No.1 to submit a detailed explanation in writing to the College within a period of two weeks from the date of receipt of a copy of the order. The College was asked to consider the reply which may be submitted by the respondent No.1 to the show cause notice dated 13.11.2023 within a period of four weeks. In compliance of the aforesaid order, the College by a communication dated 19.12.2023, furnished the copy of the minutes of the meeting of the Committee to the respondent No.1 and directed him to submit an explanation within a period of seven days. The respondent No.1 thereupon submitted an explanation on 27.12.2023. After consideration of the explanation, the College, by an order dated 08.01.2024, suspended the respondent No.1 from the College.

9. The respondent No.1 challenged the validity of the aforesaid order dated 08.01.2024 in W.P.No.900 of 2024. In the said writ petition, the learned Single Judge passed an interim order on 10.01.2024 suspending the operation and effect of the order dated 08.01.2024 with a further direction to the appellants herein to permit the respondent No.1 to attend the College.

10. During the pendency of the writ petition, the University issued the examination notification dated 29.10.2024 proposing to conduct NEET Post Graduate Examinations. The respondent No.1 submitted a representation on 13.11.2024 to the College to furnish the attendance certificate. The College thereafter on 19.11.2024, submitted the attendance certificate wherein it was mentioned that the respondent No.1 was absent for a period of 227 days. The respondent No.1 challenged the validity of the aforesaid attendance certificate in W.P.No.32848 of 2024. The learned Single Judge, by a common order dated 10.12.2024, passed in W.P.Nos.900 and 32848 of 2024, allowed the writ petitions and set aside

the order of suspension dated 08.01.2024. The College was directed to upload the attendance particulars of the respondent No.1 in pursuance of the notification dated 29.10.2024 and to permit the respondent No.1 to appear in the Medical P.G.Degree (MD/MS) Regular Examinations, January, 2025, by marking attendance for the period from 20.02.2023 to 03.10.2023. In the aforesaid factual background, the University has filed this appeal.

11. Learned counsel for the appellants submitted that the learned Single Judge ought to have appreciated that the respondent No.1 had not attended the classes and therefore, he could not have been permitted to appear in the examination. It is further submitted that the learned Single Judge ought to have appreciated that against the decision taken by the Committee, an appeal lies to the Vice Chancellor of the University under Regulation No.25 of the Regulations and the learned Single Judge ought not to have entertained the writ petition.

12. We have considered the submissions made on both sides and have perused the record.

13. It is a well settled legal proposition that a person cannot be allowed to take advantage of his own wrong. In the instant case, the order of suspension was passed against the respondent No.1 on 09.06.2023. However, the aforesaid order of suspension was passed without complying with principles of natural justice and in violation of the Regulations. Therefore, a Bench of this Court, by an order dated 11.09.2023, passed in W.P.No.15669 of 2023 set aside the same and granted the liberty to the College to proceed afresh. It is also pertinent to note that the respondent No.1 had submitted a representation on 13.09.2023 to the College seeking permission to attend the classes. However, the College did not permit him to attend the classes. Therefore, the University as well as the College cannot be permitted to take advantage of the wrong committed by them. In any case, the learned Single Judge has granted the liberty to the College to impart training to the respondent No.1, if it is so required. Needless to state that the respondent No.1 shall undergo such special training if required by either the University or the College



and the participation of the respondent No.1 in the examination shall be subject to the respondent No.1 undergoing the special training which may be conducted by either the University or the College for him.

14. To the aforesaid extent, the order passed by the learned Single Judge is modified.

15. Accordingly, the appeal is disposed of. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

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**ALOK ARADHE, CJ**

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**J.SREENIVAS RAO, J**

08.01.2025

Note: Issue C.C today.

B/o.

vs