

ITEM NO.33

COURT NO.13

SECTION XII-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 13559/2022

(Arising out of impugned final judgment and order dated 14-06-2022 in WA No. 678/2021 passed by the High Court Of Andhra Pradesh At Amravati)

THE ANDHRA UNIVERSITY VISAKHAPATNAM,  
ANDHRA PRADESH & ANR.

Petitioner(s)

VERSUS

M. SRI KRISHNA & ORS.

Respondent(s)

IA No. 126359/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 126361/2024 - EXEMPTION FROM FILING AFFIDAVIT

Date : 03-06-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR  
HON'BLE MR. JUSTICE SANDEEP MEHTA

(VACATION BENCH)

For Petitioner(s) Mr. Y. Raja Gopala Rao, AOR  
Ms. Y. Vismai Rao, Adv.  
Mr. Y. Ramesh, Adv.  
Mr. Dhuli Gopi Krishna, Adv.  
Mr. Akshay Singh, Adv.

For Respondent(s) Ms. Meenakshi Arora, Sr. Adv.  
Mr. Mandeep Kalra, AOR  
Mr. Nishant Shankar, Adv.  
Mr. Vaibhav Yadav, Adv.  
Ms. Chitrangada Singh, Adv.  
Mr. Yashas J, Adv.  
Mr. Chandratanay Chaube, Adv.  
  
Mr. Santosh Krishnan, AOR  
Ms. Deepshikha Sansanwal, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

IA No. 126359/2024

1. This application is filed by the respondent no. 1 seeking for a direction to the petitioner-University to release the marks statement and Final Degree Certificate on the primary ground that he has been offered a job by the Qatar Embassy and by e-mail received from the embassy (Annexure R-1), he has been called upon to furnish his Degree Certificate along with marksheet and as such it is contended that on furnishing the same he would be offered the job and/or his application for appointment would be examined and considered.
2. Learned counsel appearing for the petitioner-University has vehemently contended that the respondent no. 1 - applicant had played fraud upon the authorities and obtained the marksheet and the inquiry conducted clearly suggest the illegality committed in securing the marks statement as well as the Degree Certificate. As such there is no justification for granting the relief sought for.
3. *Per contra*, Ms. Meenakshi Arora, learned senior counsel appearing for the respondent no. 1 - applicant has submitted that the two courts have concurrently held in favour of the respondent no. 1 - writ applicant to the effect that applicant was in no way responsible and as such if the direction as sought for in the application is not granted, it would put the career of respondent no. 1 - applicant in jeopardy. As such she seeks for the prayer sought for in the application being granted.
4. Having heard the learned counsel for the parties and after

perusing the records and bestowing our careful and anxious consideration to the rival contentions raised at the bar, we are of the considered view that at the time of entertaining the present petition this Court had stayed only the contempt proceedings initiated by the respondent no. 1 - applicant against the petitioner-University on the strength of impugned judgment and there was no stay of the impugned judgment passed by the High Court. In the teeth of the aforesaid position, we are of the considered view that in the event of the petitioner-University succeeding in the petition the clock can be put back and no prejudice would be caused to them or in otherwords on withdrawal of Degree Certificate applicant may lose the job. On the contrary, if the direction as sought for is not granted or refused much water would flow down the bridge and the clock cannot be put backward and the job which has been offered to the respondent no. 1 - applicant will be lost for him forever and as such we are of the considered view that balance of convenience is in favour of the respondent no. 1 - applicant and direction as sought for deserves to be granted. Hence, the following order:-

(i) IA No. 126359/2024 is allowed.

(ii) Petitioner-University is directed to issue marks statement and Final Degree Certificate to the respondent no. 1 - applicant forthwith which would be subject to the final result of the present petition.

(KAPIL TANDON)  
COURT MASTER (SH)

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR