

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

-
W.A.No.790 OF 2015

PC: *(Per the Hon'ble Sri Justice S.V.BHATT)*

Heard Mr. M.V. Pratap Kumar, learned counsel for appellants, Mr. M.S.Prasad learned senior counsel for respondent No.3 and Mr.C.Sudesh Anand for 1st respondent.

At the outset, it is brought to our notice by Mr. M.S. Prasad learned counsel for 3rd respondent that pursuant to the order dated 10.02.2015 dismissing W.P.No.6308 of 2014, for the academic year 2015-16, the 3rd respondent has granted admission to as many as 80 students in the degree college newly started by the 3rd respondent and the students are pursuing the courses. The learned counsel for the appellants at the time of hearing could not as a matter of fact demonstrate how with the starting of a new degree college by the 3rd respondent the appellants are prejudicially affected.

The appellants in W.P.No.6308 of 2014 pray for Mandamus declaring notification No.APSCHE/ACAD-3/HDC/UG/PG 2014-1, dated 19.02.2014 whereunder Gudur Mandal of SPSR Nellore District is identified for establishment of new private unaided colleges for the academic year 2014-15 as illegal, arbitrary and contrary to Section 20 of A.P. Education Act (for short 'the Act') read with Rule 5 of the Educational Institutions (Establishments, Recognition, Administration and Control of Higher Education) Rules, 1987.

The principal grievance of appellants is that the respondents have not followed the mandatory requirements of Section 20 of the Act by conducting survey to find out the education needs of the locality and if new colleges are established without examining the requirement the existing colleges will suffer irreparable loss and injury. In the case on hand as already noted, the appellants fail to demonstrate the prejudice suffered by them with starting of new college by the 3rd respondent. As

regards the complaint against Section 20 of the Act is concerned, the learned counsel appearing for the parties have drawn our attention to various paragraphs in **SOCIETY OF ST. ANN’S v. SECRETARY OF GOVERNMENT (EDN.)**^[1].

We are satisfied that the Full Bench in **Society of St. Ann’s** case has considered the scheme of Act from Sections 18 to 20 and held that keeping in mind the needs of a locality a notification can be issued by the Government for the purposes specified under Section 18 of the Act. The learned Single Judge in the order under challenge has considered all relevant aspects of the matter including the contention of appellants on the applicability of **Society of St. Ann’s** case and rejected these contentions. The very same grounds are urged before us and we are rejecting these contentions for the very reasons recorded by the leaned Single Judge in the order under appeal. There is no merit in the appeal. The writ appeal is dismissed. No costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

DILIP B.

BHOSALE, ACJ

Date:01.09.2015
Stp

S.V.BHATT, J

^[1] 1993 (2) ALT 610 (FB)