

**IN THE HIGH COURT OF JUDICATURE AT  
HYDERABAD**

**FOR THE STATE OF TELANGANA AND THE STATE OF  
ANDHRA PRADESH**

**WRIT PETITION No.7956 OF 2000**

Between: \_\_\_\_\_

\_\_\_\_\_ A.Yesu Babu. \_\_\_\_\_

\_\_\_\_\_..Petitioner.

And:

\_\_\_\_\_ Government of Andhra Pradesh, represented by  
the Principal Secretary to Government, Education  
(CE.II.I) Department, Secretariat, Hyderabad and two  
others.

\_\_\_\_\_..Respondents.

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**JUDGMENT PRONOUNCED ON : 4<sup>th</sup> September,  
2015**

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**HONOURABLE SRI JUSTICE : S.RAVI  
KUMAR**

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1. Whether Reporters of Local : \_\_\_\_\_  
newspapers may be allowed to  
see the Judgments?

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2. Whether the copies of \_\_\_\_\_  
judgment may: be marked to  
Law Reporters/Journals

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3. Whether their \_\_\_\_\_  
Ladyship/Lordship: wish to see  
the fair copy of the Judgment?

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**HONOURABLE SRI JUSTICE S.RAVI KUMAR**  
**WRIT PETITION No.7956 OF 2000**

Dated 4<sup>th</sup> September, 2015

Between:

A.Yesu Babu.

..Petitioner.

And:

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HONOURABLE SRI JUSTICE S.RAVI KUMAR

WRIT PETITION No.7956 OF 2000

ORDER:

This writ is filed challenging memo No.26449/CE.II.1/99-5 Education (CE.II.1) Department dated 7-3-2000 through which, request of the petitioners for sanction of grant-in-aid to them is rejected.

Petitioner contended that they are working as lecturers in various disciplines in third respondent degree college, Bhimavaram. According to petitioners, Government accorded permission under G.O.Ms.No.903, Education (C) Department, dated 25-7-1975 (P1) to start private degree college at Bhimavaram, to 3<sup>rd</sup> respondent with B.A., B.Com., B.Sc., courses, during the year 1975-76. It is also contended that by virtue of G.O.Ms.No.1276 Education dated 13-11-1981(P2), college was admitted into grant-in-aid with effect from 1-6-1981. It is also

contended that by virtue of G.O.Ms.No.1160, Education, dated 20<sup>th</sup> August, 1987 (P3), Government accorded sanction for opening of Additional Sections/Combinations. According to petitioners, proceedings in Rc.No.1606/DC-4-2/88, dated 23-7-1988 (P4) and Rc.No.3637/DC.4-2/89-2, dated 19-9-1989 (P5) and Rc.No.1289/PC-II-1/90, dated 20-11-1990 (P6), Director of Higher Education, Hyderabad permitted 3<sup>rd</sup> respondent college to start certain additional sections combinations in B.A., B.Sc., courses during the year 1988 to 1990-91 and all the petitioners were selected through properly constituted selection committee on 23<sup>rd</sup> and 24<sup>th</sup> July, 1993 and 10<sup>th</sup> March, 1996 and were appointed as lecturers against posts of lecturers existed in the sections/combinations started during the years 1988-89 to 1990-91.

According to petitioners, all the posts in which the petitioners were appointed were to be admitted into grant-in-aid as per G.O.Ms.No.424, Education (CE) Department, dated 19-9-1985. It is further contended that a committee was constituted to recommend release of grant-in-aid and the committee considered only such of those cases that were referred to it by the Director of Collegiate Education and on its recommendation passed G.O.Ms.No.333, Education dated 21-10-1989 admitting only 31 colleges to grant-in-aid and as the action of Government in not admitting posts held by the petitioners to Grant-in-Aid were arbitrary, discriminatory and unjustified, therefore, they filed writ petition No.9349/1997 before this Court and this court disposed of the same by an order dated 19-11-1999 by passing the following order:

“The issue involved in this writ petition is

squarely covered by the order of this court in W.P.No.17214/95 dated 3-10-1996 and W.P.No.22261/1996 dated 31-10-1999. Following the same, I direct the petitioners to make a representation to the respondents seeking grant-in-aid within four weeks from today. On receipt of representation, the respondents are directed to consider the same and pass appropriate orders in accordance with law and keeping in view G.O.Ms.No.333 dated 21-10-1989 within four weeks thereafter after giving an opportunity of being heard to the petitioners.

With the above direction, the writ petition is disposed of. No costs.”

According to petitioners, rejection of claim of petitioners is contrary, to principles of natural justice and Articles 14, 16 and 21 of Constitution of India and a direction has to be given to the second respondent herein forthwith to submit necessary proposals for admitting posts of petitioners to grant-in-aid to the committee constituted under Act 22 of 1988 and to pass such order orders.

Respondents 1 and 2 filed counter disputing the claim of petitioners and contended that college of petitioners started additional courses after promulgation of Act 22 of 1988 i.e., after 1-3-1985 and the correspondent of 3<sup>rd</sup> respondent submitted proposals for admission into grant-in-aid to the second respondent, Directors of Collegiate Education received said proposal on 14-8-2000, as the unaided sections against which petitioners are working was started during the years 1988-89 to 1990-91 i.e., after promulgation of Act 22/88, petitioners are not entitled for admission to Grant-in-Aid. It is further contended that Government has reconstituted the committee to go into the matters connected with the Grant-in-Aid to provide aided Degree/Oriental/Junior Colleges through

G.O.Ms.No.451, Education Department, dated 13-10-1998 but, subsequently, it is noticed that Committee constituted under G.Os. as referred to in Andhra Pradesh, Educational Institutions, Grant-in-aid (Regulation) Act, 1988 alone are the Committees with statutory backing for the purpose of said Act and as several complexities have been involved in the Amendment Act, 22 of 1988, the reconstitution of the appropriate Grant-in-Aid Committee is under examination of Government and as and when the committee is reconstituted, the proposals of college will be placed before the committee for its consideration.

Heard both sides.

Advocate for writ petitioners submitted that as per G.O.Ms.No.333 dated 21-10-1989, cut of date was 1-9-85 and the 3<sup>rd</sup> respondent college was established in the year 1975-76 and therefore, G.O.Ms.No.333 in all force applicable to the petitioners but the Government erroneously rejected the claim of petitioners through memo No. No.26449/CE.II.1/99-5 Education (CE.II.1) Department dated 7-3-2000. It is further submitted that even according to the counter of the respondents, the Government proposed to reconstitute committee for examination of the claims and till now the Government has not taken any action in respect of claim of petitioners. He further submitted that the rejection of the Government is against the principles of natural justice.

On the other hand, learned Government Pleader for Higher Education submitted that the Government rightly rejected the claim of the petitioners as the claim of petitioners do not fall within the purview of G.O.Ms.No.333, Education dated 21-10-1989. He further submitted that 3<sup>rd</sup> respondent college enhanced additional classes subsequent to

promulgation of Act, 22 of 1988 in the year 1988-89 to 1991 and therefore, the petitioners are not entitled to be admitted to Grant-in-Aid. It is further submitted that claim of petitioners do not fall within the purview of G.O.Ms.No.333, Education dated 21-10-1989, therefore, writ is devoid of merits.

I have perused the material papers including G.O.Ms.No.333, Education dated 21-10-1989 and the memo dated 7-3-2000.

As seen from G.O.Ms.No.333, Government as per the directions of this court in a batch of writ applications, constituted a committee consisting of three members i.e., Vice Chairman State Council of Higher Education as Chairman, Director of Higher Education as Member and Convener and a representative from Finance Department as member and the said committee examined the proposals submitted on behalf of Degree and Junior Colleges and made recommendations for admission to Grant-in-Aid and those recommendations were submitted by the Director of Higher Education to Government with proposal to admit those colleges recommended by the Committee to Grant-in-Aid. Government accepted the recommendations of the committee which are proposed by the Director of Higher Education and admitted 31 unaided private Degree Colleges and 60 unaided private junior colleges which are shown in the annexure to the G.O for Grant-in-Aid. Admittedly, 3<sup>rd</sup> respondent college is not in the list annexed to the G.O. among the 31 Degree Colleges which are admitted for Grant-in-Aid.

Now the grievance of the petitioners is 3<sup>rd</sup> respondent college would also come under the purview of G.O.Ms.No.333 dated 21-10-1989.

As seen from G.O., there are certain conditions

imposed to claim Grant-in-Aid and the committee constituted under G.O. has only recommended colleges which have satisfied those conditions. According to G.O., colleges should exist as on 1-9-1985 opened with permission of competent Authority, who have completed five years of existence in respect of men's college and three years of existence in respect of women's college and those colleges who have filled actual number of posts in accordance with the communal roster and seniority subject to conditions laid down by committee are entitled for Grant-in-aid and only in such cases Grant-in-Aid has to be released by the Director of Higher Education.

Though petitioners contended that the 3<sup>rd</sup> respondent college also fulfilled the conditions that are enumerated in G.O.Ms.No.333 dated 21-10-1989, no material is placed to substantiate the contention except saying that the college exists prior to cut of date of 1-9-1985.

As rightly pointed out by the learned Government Pleader, it is for the committee constituted under the G.O. to examine the eligibility for admission into the Grant-in-Aid. When the 3<sup>rd</sup> respondent college is not figured in the annexure of Degree College that were recommended by the committee, the contention of the petitioners that they would fall under the ambit of G.O.Ms.No.333 dated 21-10-1989 cannot be accepted, without any supporting material.

As per the above G.O., admission into Grant-in-Aid can only be considered in respect of those colleges who are recommended by the committee but not otherwise.

Considering these aspects, I am of the view that

rejection of the claim of petitioners through memo dated 7-3-2000 cannot be held as illegal and on the other hand, it is in accordance with the spirit of G.O.Ms.No.333 dated 21-10-1989. Therefore, there are no merits in the writ.

As seen from the counter, respondents 1 and 2 stated that the proposals of third respondent college will be placed before the committee as and when it is constituted.

Considering the same, petitioners are at liberty to get fresh proposals placed before the committee constituted by the Government and on submission of such proposals, the same shall be considered as per the provisions of Act, 22 of 1988.

Accordingly, this writ petition is disposed of. No costs.

As a sequel to the disposal of this writ petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

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JUSTICE

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S.RAVI KUMAR

Dated 4<sup>th</sup> September, 2015.  
Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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