

HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT APPEAL No.364 OF 2015

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JUDGMENT: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Writ Appeal is filed by the petitioner – Sri Venkateswara College of Nursing in W.P. No.11155 of 2014, aggrieved of the order, dated 26-03-2015, passed by the learned Single Judge.

2. The appellant college herein filed W.P. No.11155 of 2014 seeking direction by way of *Mandamus* to declare the action of the respondents in not issuing Essentiality Certificate to run Sri Venkateswara College of Nursing at Kollipara, Guntur District as illegal and arbitrary and, consequently, to direct the respondents to grant Essentiality Certificate to run the college of Nursing in Door No.16-35, Kollipara, Guntur District for the academic year 2014-15.

3. Respondent Nos.1 and 2 filed their counter in the said writ petition contending that Sri Gudibandi Somireddy Educational Society (for short 'the society'), which runs the appellant college, filed W.P. No.28484 of 2007, seeking the same relief and the said writ petition was disposed of and, therefore, sought to dismiss W.P. No.11155 of 2014.

4. The society, which runs the appellant college, filed W.P. No.28484 of 2007 before this Court seeking the following relief:

“....to issue a Writ of Mandamus or any other appropriate Writ, order or direction, declaring the rejection order issued by the 3rd respondent in Lr.No.33211/HPC/2005, dated 7.2.2007 as illegal and arbitrary in the light of the amendment made to existing clause (1) Rule 12 of the Rules issued under G.O.Ms.No.145, HM & FW (M2) Department, dated 18.5.1998 in G.O.Ms.No.236, Health Medical & Family Welfare (K2) Department, dated 13.7.2007 and direct the respondents to issue essentiality Certificate to the petitioner, so as to enable it to establish College of Nursing at Kollipara, Guntur.”

The then Hon'ble the Chief Justice of this Court, by orders, dated 22-02-2013, dismissed the said writ petition for non-prosecution.

5. On perusal of record, it appears, W.P. No.11155 of 2014 was dismissed by the learned Single Judge on 26-03-2015, with an observation that the application submitted by the appellant earlier for grant of Essentiality Certificate to run College of Nursing was rejected by the High Power Committee – respondent No.2, due to non-compliance with statutes and G.O.Ms.No.145, dated 18.05.1998.

6. The rejection order passed by respondent No.2, refusing to grant essentiality certificate to run college of Nursing by the appellant was already questioned in W.P. No.28484 of 2007, and the same was dismissed for non-prosecution. Now, the appellant cannot agitate the same relief again without pursuing appropriate remedies to set aside the said dismissal order.

7. In view of the orders, dated 22-02-2013, in W.P. No.28484 of 2007, we do not find any grounds to interfere with the order passed by the learned Single Judge and, thus, the writ appeal is devoid of merits.

8. The Writ Appeal is dismissed. No order as to costs.

9. As a sequel, miscellaneous applications, if any, pending in this appeal shall stand closed.

**R. SUBHASH
REDDY, J**

A. SHANKAR NARAYANA, J

June 16, 2015.
Mgr