

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.27754 OF 2015
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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an order or direction more particularly one in the nature of WRIT OF MANDAMUS (a) declare the action of the respondents in not issuing G.O in favour of the 1st petitioner college of Architecture, inspite of 2, 3 and 4 respondents granting necessary affiliation and approval for establishing a college of Architecture by the 1st petitioner is arbitrary, illegal and violative of article 14 and 19 (1)(g) of the constitution of the India. (b) direct the 1st respondent to issue the G.O in favour of the 1st petitioner college, so as to enable the 1st petitioner college to participate in the admission counseling process and further direct the 5th respondent to allot students in the 1st petitioner college and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri Abhinand Kumar Shavili, learned counsel for the petitioner and learned Government Pleader for Higher Education and Sri A.Abhishek Reddy for the respondents.

3. The Council of Architecture - 4th respondent herein, on 25.02.2015, issued a letter of intent in favour of the petitioner for introduction of five year full-time Bachelor of Architecture (B.Arch.) degree course. Subsequently, the 3rd respondent herein vide Lr.No.RC/DAP/Noc-KGCA/2015-16, dated 25.05.2015, issued no objection. Thereafter, the Council of Architecture – 4th respondent herein vide Ref:CA/5/A/Academic-TS04, dated 16.06.2015, issued a letter of approval. Then by way of proceedings No.

DAP/KGCOA-B.Arch-Tem.Affi./2015-16, dated 12.08.2015, the 3rd respondent granted Provisional Temporary Affiliation to the petitioner to offer 'B.Arch.' with an intake of 40 (forty) from the Academic Year 2015-16. Subsequently, the Commissioner of Technical Education – 2nd respondent herein, vide Letter No.E2/5616/2015, dated 17.08.2015, requested the State Government to examine the above said approvals of the Council of Architecture, New Delhi, regarding the petitioner Architecture College.

4. The grievance of the petitioner in the present writ petition is inaction on the part of the 1st respondent herein in passing any orders on the proposal of the petitioner herein. It is also the case of the petitioner that identically situated colleges, institutions have been given permission vide G.O.RT.Nos. 184 and 199, Higher Education (TE) Department, dated 05.08.2015 and 20.08.2015 respectively.

5. In the instant case, admittedly, the proposals are now pending with the State Government pursuant to the Letter No.E2/5616/2015, dated 17.08.2015 and no orders have been passed on the same. This is not disputed by the learned Government Pleader and Standing Counsel for the 3rd respondent. Taking into consideration the totality of the circumstances and having regard to the nature of controversy, this Court is of the considered opinion that the interest of justice would be met, if a direction is given to the 1st respondent herein to pass appropriate orders pursuant to the Letter No.E2/5616/2015, dated 17.08.2015, by fixing some time frame.

6. For the aforesaid reasons, Writ Petition is disposed of, directing the 1st respondent herein to pass appropriate orders pursuant to the Letter No.E2/5616/2015, dated 17.08.2015, addressed by the Commissioner of Technical Education,

Telangana, Hyderabad, as expeditiously as possible, taking into consideration the schedule of counselling also.

7. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

01st September, 2015
ss

Note: issue CC in two days
B/o. SS