

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

W.P.No.24319 of 2015

ORDER:

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

“to issue an appropriate Writ, order or Direction more particularly one in the nature of "Writ of Mandamus" declaring the action of the 2nd respondent in considering and processing the application of the respondents 4 and 5 for starting new Degree College at Nandikotkur Mandal of Kurnool District as being illegal, arbitrary, unconstitutional and contrary to the provisions of A.P. Education Act, 1982 and the Rules made there under and consequently direct the 2nd respondent not to process or sanction any permission on the application of the respondents 4 and 5 and consequently direct the 2nd respondent not to sanction any permission without following the procedure as contemplated under the A.P. Education Act, 1982 and the Rules made there under.”

2. Heard Sri P.Pandu Ranga Reddy, learned counsel for the petitioners, learned Government Pleader for Higher Education for the first respondent,

Sri V.Kishore, learned Standing Counsel for the second respondent and Sri K.Sita Ram, learned counsel for the respondents 4 and 5 apart from perusing the material available before the Court.

3. According to the pleadings available on record, the petitioners 2 and 3 are unaided private degree colleges imparting training in Under Graduate Courses at Nandikotkur Mandal, Kurnool District and the second respondent granted permission for the said institutions. It is also stated that the petitioners' institutions have been providing quality education with well qualified faculty and infrastructure and only after being satisfied with the standards of instructional and infrastructural facilities, which the petitioners are maintaining, the A.P. State Council for Higher Education/second respondent herein and the University have

been extending the affiliation from year to year since their inception. It is the further case of the petitioners herein that the second respondent State Council for Higher Education, which is the competent authority for granting permission for private unaided degree colleges, issued a notification dated 07.04.2015 inviting applications from the registered societies, intending to start new degree colleges indicating the mandals district wise.

4. The complaint in the present writ petition is that the respondent authorities are proceeding contrary to the conditions of notification and the provisions of Section 20 of the A.P. Education Act, 1982. It is also the complaint of the petitioner herein that the respondent authorities are proceeding with the grant of permission in favour of the fourth respondent herein in the absence of any notification to the said effect. According to the learned counsel for the petitioners, the said action on the part of the respondent authorities is in patent violation of the provisions of the A.P. Education Act, 1982.

5. On instructions, it is vehemently contended by the learned Standing Counsel for the second respondent/State Council for Higher Education Sri V.Kishore that the respondent authorities are proceeding only in accordance with the provisions of the A.P. Education Act, 1982 and the present writ petition is filed on the assumptions and presumptions and there is no valid foundation for the apprehension of the petitioners herein.

6. A reading of the affidavit filed in support of the writ petition discloses clearly that in respect of Nandikotkur Mandal, the authorities rejected the request of the respondents 4 and 5.

7. There is absolutely no controversy with regard to the fact that no permission has been granted in favour of respondents 4 and 5 till date by the respondent authorities under the provisions of the A.P. Education Act, 1982.

8. In view of the categorical submission of the learned Standing

Counsel appearing for the second respondent/A.P. State Council for Higher Education that the respondent authorities will adhere to the mandatory provisions of the A.P. Education Act, 1982, this Court is not inclined to grant any positive relief in favour of the petitioners, at this stage.

9. For the aforesaid reasons and having regard to the submissions made by the learned Standing Counsel, writ petition is disposed of, directing the respondent authorities to proceed in accordance with the provisions of the A.P. Education Act, 1982. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No costs.

A.V.SESHA SAI, J

Date:20.08.2015
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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W.P.No.24319 of 2015

Dated 20th August, 2015

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

W.P.No.24319 of 2015

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Between:

M.E.R Educational Society,
C/o Basireddy Memorial Degree College,
Nandikotkur Town and Mandal, Kurnool District
represented by its Treasurer Mr.B.Srikanth
and others. ... Petitioners

and

The State of Andhra Pradesh represented
by its Principal Secretary, Higher Education Department,
Secretariat Buildings, Hyderabad and four others.
... Respondents

JUDGMENT PRONOUNCED ON: 20th August, 2015

SUBMITTED FOR APPROVAL: 20th August, 2015

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

1. Whether Reporters of Local Newspapers
May be allowed to see the Judgment?

Yes/No
2. Whether the copies of judgment may be
Marked to Law Reporters/Journals?

Yes/No
3. Whether Their Lordship wish to see the
Fair copy of the judgment?

Yes/No