

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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Writ Appeal Nos.725, 726, 729, 731, 732, 746, 747, 748, 749
and 750 of 2015
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W.A. No. 725 of 2015

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Between:
Lavu Educational Society,
Nalgonda District and others.

... Appellants

And

Jawaharlal Nehru Technological University (JNTU),
Represented by its Registrar,
Hyderabad and another.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 29.07.2015

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

**Writ Appeal Nos.725, 726, 729, 731, 732, 746, 747, 748, 749
and 750 of 2015**

P.C.: (Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

2. These ten writ appeals arise from the order dated 24.7.2015, disposing of a batch of writ petitions, filed by appellants and some other institutions for writ of mandamus declaring the action of the 1st respondent-University, in not communicating list of deficiencies in respect of their institutions for enabling them to prefer an appeal to the Standing Appellate Committee in terms of University Regulations, though inspection was conducted in terms of the order passed by this Court, dated 12.6.2015 in Writ Petition No. 16266 of 2015, as illegal, arbitrary and unconstitutional and consequently sought direction to the 1st respondent-University to grant affiliation to their institutions for the academic year 2015-2016.

3. It is not in dispute that the appellant-institutions could not and did not make on line application before 7.5.2015, which was the last date for uploading applications on line. For instance,

we would like to mention the dates of the appellant-institution in Writ Appeal No. 726 of 2015 in Writ Petition No. 18272 of 2015. In this case, according to the appellant-institution, they could not upload on line application for seeking affiliation on 7.5.2015, since there was some problem with the computer/system in receiving the applications or uploading the applications. Thereafter, they claim that they delivered hard copy of their application on 13.5.2015, which, according to the University was received by them on 20.5.2015. Thus, it is absolutely clear from the dates that the appellant-University did not submit their on line application within time. None of the appellants, made any efforts to deliver hard copy immediately on the next day, i.e., on 8.5.2015 or 9.5.2015. No satisfactory explanation is offered by them as to why they waited for long to tender hard copy of their applications.

3A. It is pertinent to note that the 1st respondent-University rejected the appellants' application, seeking affiliation, for the academic year 2015-16 vide their communication dated 19.6.2015, on the following grounds:

“1. You have uploaded/submitted online applications of one College coming under your management/society on the same 6th/7th May, 2015. However you have not uploaded in respect of your College Vijaya Engineering College.

2. On 6th/7th May 2015 you have submitted online applications including your own management group colleges, that itself evidently shows that there is no problem with the computer/system in receiving the applications or uploading the applications.

3. You have not intimated immediately with respect to the problems in the computer in uploading the application.

4. You have submitted your application through hard copy on 20.5.2015, i.e., after 13 days after last date of 7.5.2015.

5. From the above, it is clear that you are making a false claim that there is computer problem on 6th/7th May, 2015. As there is no application filed by you, no inspection was conducted in respect of your institution for the academic year 2015-16.

For the above reasons stated it is concluded that your college application (hard copy) submitted on 20/5/2015 cannot be considered for affiliation for the academic year 2015-16.”

4. In this backdrop, the learned Single Judge, considered the case of the petitioners in proper perspective and for the following reasons, dismissed Writ Petition No. 18358 of 2015.

“24. Pursuant to the orders of this Court in W.P.No.16266 of 2015 and batch (supra), the college in its hurry did not file the second page of the communication dated 19.06.2015 issued by the University and in the absence of which, this Court is disabled from examining the reason communicated to the petitioner. However, the college made an application on 13.05.2015 submitting hard copy enclosing three demand drafts for an amount of Rs.3,36,500/- towards application fee, inspection fee and affiliation fee for the academic year 2015-16 in respect of the second petitioner-college. Though the said demand drafts were taken on 20.04.2015 much prior to the last date prescribed for submission of applications, no cogent reason has come forward for not submitting the application within the prescribed time. On the other hand, there is a letter of admission addressed to the University on 26.05.2015 stating that though the entire information was uploaded before 6th or 7th May, 2015,

they could not submit the online application due to busy engagement of server and internet problem on their end. It is further stated that they submitted application on 13.05.2015 and they sought for inspection of the college. Thereafter, a communication was issued by the University on 30.05.2015 intimating that inspection was scheduled to be conducted on 01.06.2015 for the academic year 2014-15.

25. In view of the submission of hard copy on 13.05.2015 and in the absence of clear protest to the communication dated 30.05.2015 of the University conducting inspection only for the academic year 2014-15, it cannot be held that the communication dated 19.06.2015 of the University is bad in law. Therefore, the writ petition is liable to be dismissed and is accordingly dismissed.”

5. Similar are the facts in all appeals. We are informed by learned Advocate General, who is appearing for respondent No.1-University that tomorrow (30.7.2015) is the last date for admissions. He submits that the admission process started on 17.7.2015, is at the verge of completion. Moreover, he submits that about 35,000 seats in all engineering colleges are vacant.

6. Keeping that all in view and considering that there was a delay on part of the appellants in submitting their on line application for seeking affiliation, we are not inclined to interfere with the order passed by learned Single Judge.

7. Thus, the writ appeals are dismissed.

8. Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

**S.V. BHATT,
J**

29th July, 2015

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