

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

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

**WEDNESDAY, THE SEVENTEENTH DAY OF AUGUST,
TWO THOUSAND AND SIXTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.26001 of 2006

Between:

R.R.Christian School of Nursing, Sai Baba Nagar, Nandyal Post,
Kurnool District, rep. by its Secretary, B.M.V.S.Rama Raju.

.. Petitioner

AND

The Secretary to Government, Social Welfare Department,
Government of Andhra Pradesh, Secretariat Buildings, Hyderabad
and others.

.. Respondents

The Court made the following:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.26001 of 2006

ORDER

This writ petition is filed by the School of Nursing praying for declaration that the action of respondents 1 to 3 in not sanctioning the other compulsory fee to the scheduled caste students of petitioner's school as per G.O.Ms.No.4 Social Welfare (SW.Edn.2) Department dated 06.01.2015 and G.O.Ms.No.256 Health Medical and Family Welfare (K2) Department, dated 20.08.2004 as illegal, arbitrary and seeks consequential direction.

2. A reading of the averments would go to show that the management collects compulsory fee towards admission such as caution money deposit, special fee, uniform fee, transportation, library, laboratory and referred fee. Government formulated a scheme of reimbursement of fees payable by the students who belong to scheduled caste category in the form of scholarships. According to petitioner, this reimbursement does not cover above categories of compulsory fee collected by the management. Therefore, by this writ petition, management of college seeks payment of this fee in the above categories to the management for the students who prosecuted courses offered by the management and to the students who belong to scheduled caste category.

3. According to the learned counsel for the petitioner, as per the orders of the Government in G.O.Ms.No.256 and

G.O.Ms.No.4, compulsory fee collected by the management should be reimbursed.

4. On a specific clarification sought from the Court, learned counsel for the petitioner is unable to show from G.O.Ms.No.4 that there is any direction not to collect the compulsory fee from the students with an assurance that the fee would be reimbursed by the Government. G.O.Ms.No.256 is regarding fixation of fee under various categories and to various courses and therefore, it has no relevance to the issue in this case.

5. Learned counsel for the petitioner sought to contend that the petitioner's management is entitled to seek such reimbursement in view of the orders of this Court in W.P.No.6000 of 2003 dated 22.12.2003 and interim orders of this Court in W.P.M.P.No.16257 of 2005 in W.P.No.12808 of 2005.

6. It is seen from the aforesaid two orders that petitioners, therein are the students, prayed that they should be provided the benefit of payment of compulsory fee under the social security measures provided by the Government and not granting compulsory fee was illegal. Based on the said plea, this Court directed release of special fee and uniform fee to 22 students on whose behalf W.P.No.6000 of 2003 was filed. In W.P.No.12808 of 2005, petitioner was a student and was praying for a direction to release the mess charges.

7. In the instant case, petitioner is management. The averments in the affidavit do not disclose that there is any specific order by the Government or any authority under the Government not to collect the compulsory fee from the students and there was an assurance by the authorities of the Government to reimburse

such fee. As noticed above, G.O.Ms.No.4 does not envisage any such policy. The averments, as clearly pointed out in the counter affidavit filed by the respondents, do not disclose for which year such claim is made and who are the students, who were admitted without charging compulsory fee. Thus, basic details of such exercise undertaken by the management are missing. At any rate, the grievance can be only to the students, who were made to deposit the compulsory fee as required by the management, to claim reimbursement, if they are otherwise entitled to. In the absence of specific pleading that a direction was issued by the Government not to collect compulsory fee and in view of such direction, the compulsory fee was not collected with the hope that the same would be reimbursed by the Government, no direction as sought for can be granted. There is no merit in the claim of petitioner.

8. The Writ Petition is accordingly dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO, J

17th August, 2016
sj