

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

WRIT PETITION No.41782 of 2015

Dt:04.01.2016

Between:

Harshith Educational Society and others.

... Petitioners

And

The State of Telangana and others.

... Respondents

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

WRIT PETITION No. 41782 of 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

The petitioners, in the instant writ petition, seek the following reliefs:

“It is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of “Writ of Mandamus”

- (i) Declaring the withdrawal proceedings dated 29.10.2015 issued by the 2nd respondent as illegal, arbitrary, unconstitutional apart from being violative of the AICTE Regulations.
- (ii) Set aside the said proceedings, dated 29.10.2015.
- (iii) Issue directions to all the respondents to treat the 2nd petitioner as a validly approved institution for the academic year 2015-16 for the entire intake and courses as approved by the AICTE vide its initial approval dated 09.04.2015.”

The petitioners had earlier filed W.P.No.19976 of 2015. The said writ petition with little more than hundred writ petitions was heard by learned Single Judge. Against the common order, allowing those writ petitions, writ appeals were filed by the University. The University had refused affiliation to all those colleges including the petitioner-

college. In those writ appeals, we had directed joint inspection by the University and the All India Council for Technical Education (AICTE) *vide* order, dated 15.07.2015 and re-inspection *vide* order, dated 23.09.2015. After the joint inspection and re-inspection, the University and the AICTE, both have refused recognition/approval and affiliation. Those orders are under challenge in the instant writ petition. We disposed of several writ appeals where similar orders were passed by consent of learned counsel for the parties directing the Convenor and the University to accommodate/transfer the students admitted in those colleges under Convenor quota and management quota. We cannot apply a different yardstick while dealing with the instant writ petition. Admittedly, the University and the AICTE, both have rejected recognition/approval and affiliation after joint inspection and re-inspection in pursuance of the aforementioned orders passed in the group of writ appeals. We have also noticed the grounds mentioned in the impugned order on which the AICTE refused recognition. The grounds read thus:

“86% (Acute) deficiency of first year faculty.
2. 90% (Acute) deficiency of faculty for B.Tech courses.
3. Principal’s appointment has not been done by following proper selection procedure. Ph.D. qualification is doubtful, and experience certificate not produced.
Considering the above three points, SAC recommends withdrawal of EOA for all programmes for the current academic year.”

Having regard thereto, we are not inclined to entertain this writ petition. The writ petition is dismissed.

It is needless to mention that the students admitted under Convenor quota and management quota are directed to be transferred

to other recognised college/s, subject to adjustment of fee, if any. The students admitted under Convenor quota are directed to approach the Convenor within ten days from today. The Convenor, in turn, shall complete the process of accommodating/transferring those students to other recognised college/s within a period of ten days therefrom. Similarly, the students admitted under management quota are directed to approach the Registrar of University within ten days from today. The Registrar is directed to complete the process of accommodating/transferring those students to other recognised college/s within a period of ten days therefrom. The petitioner-college is directed to refund fees collected by them from the students within one week from today. They shall also return all testimonials to the students to enable them to take admissions in other recognised colleges, as aforementioned.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:04.01.2016
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