

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.17032 of 2011

and

WRIT PETITION No.15923 of 2012

-
COMMON ORDER:

These two writ petitions are being disposed of by this common order as they arise out of the point of violation of Rule 14(3) of the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Institutions of Higher Education) Rules, 1987 issued in G.O.Ms.No.29, Education (Rules) dated 05.02.1987.

The petitioners in W.P. No.17032 of 2011 challenged the G.O.Rt.No.386, Higher Education (CE-II-2) Department dated 09.06.2011 permitting respondent No.4 Degree College for shifting from Shankerpally to Shamshabad. The petitioners are running three Degree Colleges in Shamshabad. Though they filed a writ petition, no interim order of suspension was granted; as a result of which, respondent No.4 College is functioning in Shamshabad Mandal, Rangareddy District.

The petitioner in W.P. No.15923 of 2012 challenged the G.O.Rt.No.253, Higher Education (CE-II) Department dated 14.05.2012 permitting respondent No.4 Degree College for shifting from Alamuru, East Godavari District to Kothapeta in East Godavari District. Alamuru is in Alamuru Mandal whereas Kothapeta is in Kothapeta Mandal. This Court suspended the said Government Order, as a result of which respondent No.4 is not running the college in Kothapeta Mandal.

In both the cases, the Government exercised the power of transfer by relaxing sub-rule (3) of Rule 14 of the Rules. An identical issue came up for consideration before the learned single

Judge of this Court in W.P. No.19016 of 2012 and the said writ petition was allowed on 03.09.2012 quashing the Government Order. The said decision of the learned single Judge was taken in appeal before the Division Bench and the Division Bench dismissed the Writ Appeal. The decision of the Division Bench is reported in **2013 (1) ALT 477 (D.B.) (Sadasiva Sri Educational Society, Sircilla, Karimnagar District v. Gayathri Degree College, Yellareddypet Mandal, Karimnagar District)**. Later on, another learned single Judge considered the same issue in the case of **Bharathi Degree College, Wardhannapet (V) and (M), Warangal District, rep. by its Correspondent, L.Mahender Reddy v. State of Andhra Pradesh, rep. by its Principal Secretary to Government, Higher Education (CE-II) Department and others**^[1] and quashed the Government Order permitting for shifting of educational institution from one Mandal to another in relaxation of sub-rule (3) of Rule 14 of the Rules. Thus, the issue is no longer *res integra*. The above decisions clearly state that for the purpose of interpreting Rule 14(3) the locality is Mandal but not District.

In the circumstances, these two writ petitions are allowed following the above cited decisions. However, in view of shifting of respondent No.4 College in W.P.No.17032 of 2011 to Shamshabad Mandal, it is open to petitioners to submit an application consequent to bifurcation of State and it is for the authorities to decide whether there is any need for respondent No.4 College to function from Shamshabad area and if there is a need for running the College in the said locality, it is open to authorities to pass appropriate orders in accordance with law. If the authorities felt that such need does not exist, they should take action against respondent No.4 for cancellation of the permission

granted earlier after issuing due notice. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in these writ petitions shall stand closed.

A.RAMALINGESWARA RAO, J

25.02.2016

MVA

[\[1\]](#) (2013) 6 ALT 321