

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.3896 OF 2016

ORDER

The prayer of the petitioner in this case is as under:

‘For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to pass an order or orders or direction more particularly one in the nature of a writ of mandamus declaring the action of the 2nd Respondent in not receiving the proposal of the relevant data for fee fixation to the B.Arch Course in the petitioner college for the block period 2016-17 to 2018 -19 as arbitrary and illegal and violation of petitioners right guaranteed under Article 14 of the Constitution of India and consequently direct the 2nd respondents to immediately receive the relevant data and fee proposals by extending the time as notified in Notification dated 06.01.2016 and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.’

Admittedly, the last date stipulated for submission of proposals as per the notification dated 06.01.2016 was 11.01.2016 and the petitioner college failed to submit its proposals.

The Administrative Officer, Admission and Fee Regulatory Committee, filed a counter-affidavit stating that as per the decision dated 29.10.2011 of a Division Bench of this Court in ***CONSORTIUM OF ENGINEERING COLLEGES MANAGERMENTS ASSOCIATION (CECMA), HYDERABAD V/s. GOVERNMENT OF ANDHRA PRADESH***^[1], the Admission and Fee Regulatory Committee was required to specify in the notification that the institution which remained unresponsive and did not submit the required data shall not be permitted to collect any fee. The specific direction of the Division Bench is extracted hereunder:

‘The AFRC shall specify in the notification to be issued (calling for fee proposals from private unaided educational institutions) that an institution which is unresponsive or does not

submit statements of income and expenditure, audited balance sheets, and requirements for developmental needs for the immediately preceding year; particulars of expenditure incurred on salaries and infrastructure and other particulars as may be specified (with supporting bills, vouchers or receipts, *etc.*), shall not be permitted to collect any fee. While notifying a fee structure, exercising power under Section 7 of the Capitation Fee Act, the State shall record a similar stipulation.’

In the light of the aforestated binding Division Bench order, the Administrative Officer, stated that the failure on the part of the petitioner college despite the publications carried out in various newspapers disentitled them from seeking relief. As the impugned action of the Admission and Fee Regulatory Committee is traceable to the directions of the Division Bench of this Court in ***CONSORTIUM OF ENGINEERING COLLEGES MANAGERMENTS ASSOCIATION (CECMA), HYDERABAD¹***, this Court finds no ground to interfere.

The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

24th FEBRUARY, 2016

Note: Issue C.C. in two days.
B/o Svv

[\[1\]](#) 2012 (3) ALT 686 (DB) = 2013 (3) ALD 572 (DB)