

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT APPEAL No.843 OF 2016

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The appellant herein is the Management of the School of Nursing. They are aggrieved by the order passed by the learned Single Judge in W.P.No.26001 of 2006 dated 17.08.2016 dismissing the writ petition. The appellant herein invoked the jurisdiction of this Court to declare the action of the Government of Andhra Pradesh, in not sanctioning compulsory fees to the Scheduled Caste students of their school as per G.O.Ms.No.4 dated 06.01.2005 and G.O.Ms.No.256 dated 20.08.2004.

In the order under appeal, the learned Single Judge observed that the affidavit averments did not disclose any specific order by the Government not to collect compulsory fee from the students nor was there any assurance by the Government authorities to reimburse such fee; G.O.Ms.No.4 did not envisage any such policy; the averments in the writ affidavit did not disclose for which year such claim was made and who were the students, who were admitted without charging compulsory fee; basic details of such exercise undertaken by the management were missing; at any rate, the grievance could only be to that of the students, who were made to deposit the compulsory fee as required by the management, to claim reimbursement; and, in the absence of any specific pleading that a direction was issued by the Government not to collect compulsory fee and consequently compulsory fee was not collected with the hope that the same would be reimbursed by the Government, no direction could be granted.

Even before us Sri D.L.Pandu, learned counsel for the appellant, has not been able to show from the writ affidavit as to the basis on which the appellant claimed reimbursement of the fee. It is only if the appellant had waived compulsory fee payable by the students belonging to weaker

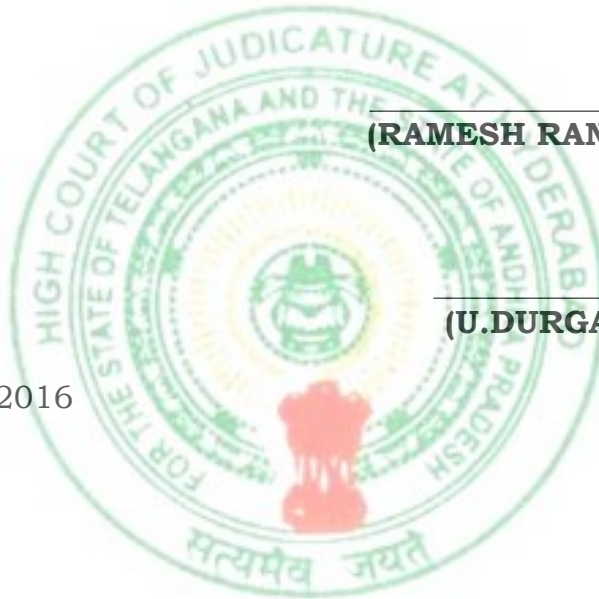
sections, would they have been entitled to make a claim for its reimbursement by the Government. No details are forthcoming in the writ affidavit as to the names and particulars of the students, from whom the appellant had not collected the compulsory fee, and the basis for their seeking reimbursement from the Government in this regard. The order passed by the learned Single Judge does not suffer from any legal infirmity warranting interference in an appeal under Clause 15 of the Letters Patent.

The Writ Appeal fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

12th September 2016
JSU



THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO



WRIT APPEAL No.843 OF 2016

Date: 12.09.2016

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