

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.28300 of 2010

ORDER:

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Petitioners are educational societies formed for the purpose running educational institutions. Petitioners started private unaided degree colleges in rural areas. First petitioner was granted permission by proceedings dated 09.07.2002; second petitioner was granted permission by proceedings dated 03.06.2002 and third petitioner was granted permission by proceedings dated 23.09.1992.

2. At the time of commencement of decree college, there was a condition for deposit of corpus fund of Rs.5 lakhs each in respect of petitioners 1 and 2 and Rs.7.50 lakhs in respect of third petitioner. However, the Government issued G.O.Ms.No.77 dated 20.07.2005 modifying earlier orders issued under G.O.Ms.No.185 dated 20.08.1993 relaxing the condition of deposit of corpus fund from the academic year 2005-2006. Since the relaxation was granted under G.O.Ms.No.77 dated 20.07.2005, petitioners submitted a representation to the first respondent requesting for return of the corpus fund already deposited and as no action was taken, petitioners filed WP.No.2210 of 2010 and the same was disposed of by order dated 09.02.2010 directing the respondents to pass appropriate orders. Pursuant to the said direction, an order was passed on 04.03.2010 by the first respondent rejecting the representation of the petitioners. Challenging the same, the present writ petition was filed.

3. A perusal of G.O.Ms.No.77 dated 20.07.2005 shows that G.O.Ms.No.185 dated 20.08.1993 was issued enabling starting of new college/course in rural areas and permission was accorded for total exemption on corpus fund for the sponsors who come forward to start Degree Colleges with Telugu medium in rural areas either for girls or co-

education and also PG courses with Telugu medium anywhere subject to fulfillment of other conditions. Later on, a meeting of the Vice-Chancellors was held on 03.11.2004 and it was resolved to relax the corpus fund for those colleges established in the rural areas irrespective of medium of instruction from the academic year 2005-2006. The relaxation of corpus fund is adopted from the academic year 2005-2006 but not with retrospective effect so as to enable the petitioners, who started educational institutions prior to the issuance of G.O.Ms.No.77 dated 20.07.2005, to ask for refund of the corpus fund already deposited.

4. Accordingly, the first respondent passed order dated 04.03.2010 making it clear that the said relaxation cannot be extended to the colleges established before the academic year 2005-2006 and it was also made clear that such institutions need not pay corpus fund for starting any new programme including English medium courses.

The said order of the first respondent cannot be termed as illegal in the light of the facts stated above.

Hence, the writ petition is dismissed. As a sequel, miscellaneous applications, if any, pending shall stand closed. There shall be no order as to costs.

A. RAMALINGESWARA RAO, J

March 10, 2016/DSK