

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
* HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

+ WRIT APPEAL NOs.1451 & 1470 of 2017

% Date: 11-10-2017

W.A.No.1451/ 2017

Between:

1. RRM Educational Society, Sy.No.452, 453 & 570, Venkateswara Colony, IDA, Patancheru, Sanga Reddy, District-502319, rep. by its Correspondent Re. K.V.K. Rao.
2. St. Mary's College of Engineering & Technology, Sy.No.452, 453 & 570, Venkateswara Colony, IDA, Patancheru, Sanga Reddy, District-502319, rep. by its Correspondent Re. K.V.K. Rao.
3. Dr. Rev. K.V.K. Rao, S/o. Late Venkaiah, Plot Nol.102, High Court Colony, Vanasthalipuram, Hyderabad-500 070.

.... Petitioners

And

1. State Board of Technical Education and Training, rep. by its Secretary, 7th Floor, B.R.K.R. Bhavan, Tank Bund Road, Saifabad, Hyderabad.
2. The State of Telangana, rep. by its Principal Secretary, Department of Technical Education Secretariat, Hyderabad.
3. All India Council for Technical Education, Nelson Mandela Marg, Vasant Kunj, New Delhi, rep. by its Member Secretary.

... Respondents

W.A.No.1470/ 2017

Between:

1. Joseph Siharsha & Mary Indrajya Educational Society, Plot No.102, High Court Colony, Vanasthalipuram, Hyderabad – 500 070, rep. by its Hon, Chairman & Correspondent Rev. K.V.A. Rao.
2. St. Mary's Engineering College, Near Ramoji Film City, Behind Mount Opera, Dshmukhi, Pochampally, Nalgonda, rep. by its Hon, Chairman U Correspondent Rev. K.V.A. Rao.
3. Sr. Mary's Group of Institutions Hyderabad, Near Ramoji Film City, Behind Mount Opera, Dshmukhi, Pochampally, Nalgonda, rep. by its Hon, Chairman U Correspondent Rev. K.V.A. Rao.
4. St. May's Integrated Campus Hyderabad, Near Ramoji Film City, Behind Mount Opera, Dshmukhi, Pochampally, Nalgonda, rep. by its Hon, Chairman U Correspondent Rev. K.V.A. Rao.

5. Dr. K.V.K. Rao, S/o. Late Venkaiah, Plot No.102, High Court Colony, Vanasthalipuram, Hyderabad – 500070.

.... Petitioners

And

1. State Board of Technical Education and Training, rep. by its Secretary, 7th Floor, B.R.K.R. Bhavan, Tank Bund Road, Saifabad, Hyderabad.
2. The State of Telangana, rep. by its Principal Secretary, Department of Technical Education Secretariat, Hyderabad.
3. All India Council for Technical Education, Nelson Mandela Marg, Vasant Kunj, New Delhi, rep. by its Member Secretary.

... Respondents

! Counsel for the Petitioner : Ms. Kalyani Ghayal

^ Counsel for Respondent Nos.1 : Mr. A. Abhishek Reddy

^ Counsel for Respondent No.2 : G.P. for Education (TG)

^ Counsel for Respondent No.3 : Mr. K. Ramakanth Reddy

< GIST:

> HEAD NOTE:

? Cases referred



HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL NOS.1451 & 1470 of 2017

COMMON JUDGMENT: (Per VRS,J)

Aggrieved by the action of the State Board of Technical Education and Training, in demanding an affiliation fee of Rs.500/- per student per year of every course, the appellants filed a writ petition and sought interim stay. Finding that the entire grievance of the appellants revolves around the collection of money, the learned Judge struck a via media by passing an interim order permitting the appellants to pay Rs.300/- per student instead of Rs.500/-. Not accepting the said order, the appellants have come up with these writ appeals.

2. Heard Ms. Kalyani Ghayal, learned counsel appearing for the appellants. Mr. A. Abhishek Reddy, learned Standing Counsel takes notice for the 1st respondent.

3. The contention of the learned counsel for the appellants is that the 1st respondent has hitherto charged only a one time fee of Rs.1,00,000/- per year for three courses and Rs.1,50,000/- per year for colleges where there are more than three courses. The sudden jump in the affiliation fee prescribed by the 1st respondent, according to the learned counsel for the appellants, is highly arbitrary, unjustified and has no nexus to the object sought to be achieved.

4. Drawing our attention to the calculations, the learned counsel for the appellants submitted that insofar as writ appeal W.A.No.1451 of 2017 is concerned, the amount now sought to be collected from the appellants is Rs.3,60,000/- as against Rs.1,00,000/-, and that the amount sought to

be collected from the appellants in the other appeal is Rs.6,30,000/- as against the amount of Rs.1,50,000/- normally payable. The contention of the learned counsel for the appellants is that the grant of affiliation is an exercise that is undertaken in common, per course and that the same does not have anything to do with the number of students admitted to a particular course. There are courses for which the colleges are not able to get students for the entire permitted intake, and that therefore, it is contended that the charging of exorbitant affiliation fee, is completely contrary to law.

5. We have carefully considered the above submissions.

6. If all the contentions of the appellants are accepted, it would lead to the presumption that the appellants have an excellent *prima facie* case. But for the grant of an interim order, there are other parameters such as balance of convenience and irreparable hardship. Since the matter cannot be decided at the interlocutory stage, especially when the writ petitions come up for admission, the learned Judge thought fit to strike a *via media*, by asking the appellants/petitioners to pay Rs.300/- per student instead of Rs.500/- per student. In the event of the appellants/petitioners succeeding in the writ petition, the excess amount collected from them by virtue of the interim order can always be adjusted towards future years. In the event of the appellants losing the battle, the balance amount payable by them, will not be a huge burden upon them since they have already discharged part of the liability. Therefore, the learned Judge struck a balance, which we do not think calls for any interference. Therefore, the writ appeals are dismissed.

7. As a sequel, miscellaneous petitions pending in these writ appeals, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN , J.

ABHINAND KUMAR SHAVILI , J.

11th October, 2017
Js.



HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL NOs.1451 & 1470 of 2017

(Per VRSJ)



11th October, 2017

Js.