

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.24452 of 2017

ORDER:

This writ petition is filed complaining inaction on the part of the 2nd respondent-Telangana Admission & Fee Regulatory Committee, Hyderabad, in fixing the fees that is to be charged to the students, who can take admission into the 2nd petitioner's institute.

It is the case of the petitioner that initially when the 4th respondent-University was not considering the application of the 2nd petitioner for grant of affiliation, 2nd petitioner institute was forced to approach this Court by filing W.P.No.17505 of 2016 and this Court vide its order dated 14.06.2017 directed the 4th respondent-University to take necessary steps by forthwith visiting the college and submit report on 15.06.2017 through their counsel. Thereafter, the 4th respondent-Osmania University, by orders dated 22.06.2017, had given affiliation for B.E. (CSE), BE (IT) with an intake of 180 and 120 seats respectively. Immediately, thereafter, petitioners approached the 2nd respondent on 24.06.2017 by furnishing necessary particulars seeking to fix the fee to enable the 2nd petitioner's institution to admit the students, as the same was not being responded to, petitioners filed the present Writ Petition and this Court vide its order dated 27.07.2017, taking into consideration of the submissions made on behalf of the 2nd respondent that a decision is going to be taken on 03.08.2017, the matter was adjourned to this date. Though such representation was made by the learned Standing Counsel for the 2nd respondent, on 03.08.2017 no action has been taken. When

the matter is taken up today, learned Standing Counsel for the 2nd respondent submits that the committee is awaiting the out come pursuant to the orders of this Court in W.P.No.17505 of 2016, particularly, the developments after the order dated 16.06.2017. Learned counsel also submits that they are awaiting orders from the Government.

Having considered the respective submissions, it may be noted that pursuant to the orders of this court dated 16.06.2017 passed in W.P.No.17505 of 2017 the inspection report was submitted and thereafter 4th respondent-University, as a matter of fact, by its order dated 22.06.2017 granted affiliation. In other words, there is nothing that is required to be obtained either from the University or from the Government. As a matter of fact, the State of Telangana is being a member of AICTE Committee, there is no separate requirement of State Government approval, as ultimately it is the AICTE, which is the competent authority to grant or refuse permission for running educational institution, under the AICTE Act.

Further, it may also be noted that in G.O.Ms.No.6, dated 08.01.2017 it is not prescribed any mandatory conditions of the nature, which the 2nd respondent seeks the petitioners to comply with. The fact that the 2nd petitioner institute has all regulatory permissions, in terms of G.O.Ms.No.6, dated 08.01.2017. However, considering the fact that the spot admissions are being done and considering the submission made by the learned Standing Counsel, appearing on behalf of the 2nd respondent, before this Court on 27.07.2017 that *'if permissible the college may go ahead with the notification for spot admission as per the*

procedure under law’, and considering the fact that the 2nd petitioner institute is willing to take minimum of fees of Rs.35,000/- per student, subject to the final fixation of fees that may be allowed by the 2nd respondent, the 2nd petitioner institute may admit the students under the spot admission. It is also made clear that the 2nd petitioner institute also may take undertaking from the willing students that in the event of higher fee is being fixed by the Telangana Admission & Fee Regulatory Committee, the same shall be liable to be paid. However, taking of the undertaking from the students is purely left to the discretion of the 2nd petitioner institute and the willingness of the students and it shall not be construed as this Court authorised the 2nd petitioner institute to insist upon the same. The 2nd respondent shall consider the material that has been placed and that may be placed by the petitioners and take appropriate decision within eight weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J.

Date:08.08.2017
Ssv