

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.33309 OF 2017

ORDER :

This writ petition is filed seeking to declare the action of the 1st respondent-University in not recommending and rejecting the grant of affiliation to the 2nd petitioner-Institution including issuing order dated 25-09-2017 by the Asst. Registrar (Academic), as being illegal, arbitrary and unconstitutional and to set aside the same and consequently direct the 1st respondent to grant affiliation to the 2nd petitioner-Institution for running BHM&CT-EM course with an intake capacity of 50 seats for the academic year 2017-18.

2. By the order impugned, the application dated 03-07-2017 made by the 2nd petitioner-Institution is refused on the ground that the proposed college cannot function from the same premises as there are two existing colleges affiliated to University in the same building.

3. Sri S. Niranjan Reddy, learned senior counsel appearing for the learned counsel for the petitioners submits that there is no concept of sharing of accommodation as the entire building consists of four floors and each floor consists of 10,000 sqfts. It is also stated that as per the norms, the area of space required for running the college offering hotel management course is 7,650 sqfts and there is no rule or regulation which prevents the petitioner-

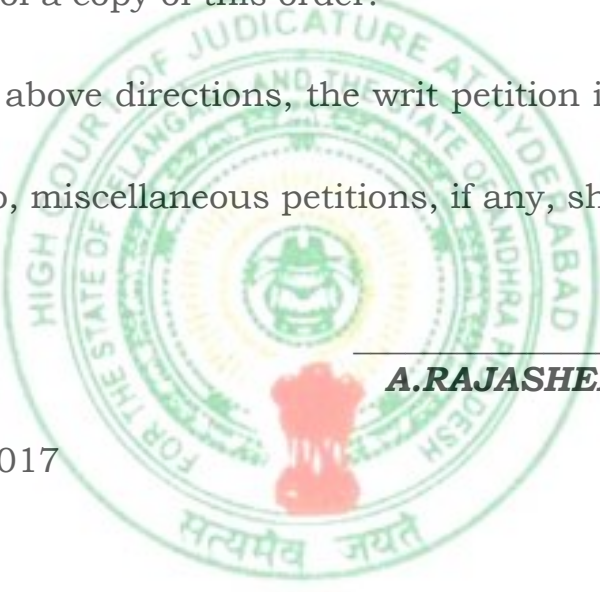
institution from running different colleges in the same building provided there is no sharing of accommodation and there is demarcation of area. It is further submitted that *prime facie scrutiny committee*, which consists of nominee of the respondent-University along with nominees of Telangana State Council of Higher Education and Commissioner of Collegiate Education, which inspected the institution, in its report did not refer to any sharing of accommodation by the institutions existing in the college building.

4. On the other hand, Sri Ch. Jagannath Rao, learned Standing Counsel for the respondent-University submits that two colleges are already existing in the same premises and permission for a third college is impermissible in the same building, thought it is not a sharing of accommodation.

5. It is to be seen that admittedly the building consists of four floors with each floor 10,000 sqfts. of area. As per the norms, the space required for running a hotel management college is stated to be 7,650 sqfts. It is not the case of the respondent-University that the entire space of the building is occupied by the existing two colleges affiliated to the University. It is also not their case that there is no clear demarcation of the area. There is no denial in the counter affidavit to the averment made by the petitioner-institution in the writ affidavit that there is no sharing of accommodation. No

rule or regulation is pressed into service to show that more than two colleges should not function from the same building, when the building premises is otherwise can accommodate a third college. In the circumstances, the order 25-09-2017 is set aside and the 1st respondent is directed to arrange for re-inspection of the premises and after considering the report submitted in that behalf, pass appropriate orders thereon in accordance with law. This entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, shall stand closed.



A.RAJASHEKER REDDY, J

Dated: 08-11-2017
NRG

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