

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.34226 OF 2017

ORDER:

Heard learned counsel for the petitioners and the learned counsel for the respondents 2 and 3.

The petitioner college was established in the year 2008 and it was conducting course of B.Sc., (Nursing). Initially it obtained necessary permissions from the respondents 1 and 2. While so, the second respondent issued a Notification for continuation of provisional affiliation for the academic year 2016-17 and the petitioner applied on 01.08.2016. As on that date, the first respondent, which is the Regulating Authority, has not granted any renewal but the same was granted only on 01.05.2017. In the meanwhile, it appears that the petitioner college admitted thirty students under the Management Quota and there was no allotment made by the University in the absence of any affiliation. After granting renewal by the first respondent for the academic year 2016-17, the petitioner college submitted a representation on 13.06.2017 and 27.09.2017 for grant of continuation of provisional affiliation for the academic year 2016-17 and no action was taken by the second respondent. When the examinations are scheduled to be held from 23.10.2017, the present writ petition is filed challenging the action of the second respondent in not ratifying the admissions made for the academic year 2016-17.

The impugned order of the second respondent addressed to the petitioners, dated 24.08.2017, reads as follows.

“With reference to the above subject cited, I am by direction to inform you that, the Green Leaf College of Nursing was not granted affiliation for the Academic year 2016-17 and not included in the list of Colleges for admission for Academic year 2016-17. The cut-off date for

closure of admission for the Academic year 2016-17 was on 30.11.2016.

Therefore, it is not feasible to the University to approve the admission after cut-off date of closure of the admissions and without Affiliation.

Therefore, discharge all the students and return their fees, if it is repeated the University will take further course of action as per existing regulations and statutes.”

As on the beginning of the academic year 2016-17, there was neither recognition by the first respondent nor affiliation by the second respondent. Without any affiliation, the petitioner college admitted thirty students under Management Quota as the Convener did not allot any candidates. The total intake is fifty candidates. Even after renewing the recognition by the first respondent on 01.05.2017, the petitioners did not approach this Court seeking a direction to the second respondent to consider the request for renewal of the affiliation. The petitioners waited till the commencement of the examinations. Though the impugned order was communicated on 24.08.2017, no action was taken by the petitioner college seeking the present relief immediately.

In the circumstances, this Court sees that the action of the petitioners is not *bona fide* and no discretion can be exercised in favour of the petitioners.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions, if any pending, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

12.10.2017

Note: Issue order copy by 16.10.2017.

(By order)

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