

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 20826 of 2017

ORDER:

Prima facie, this is a case where the petitioners, for whatever reasons, could not make admissions in previous two years for the Courses of B. Pharmacy and M. Pharmacy. As of now, this year the petitioners have complied with all other formalities except fixation of the tuition fee payable by the students in respect of B. Pharmacy and M. Pharmacy courses for the block period 2017-18 to 2019-20, their applications have been rejected on the ground that they are delayed applications.

Learned standing counsel appearing for the 2nd respondent-AFRC submits that the fee fixation has done for a block period of three years and pursuant to the notification issued petitioners' institutions have not made applications and in that view of the matter the petitioners' institutions have to wait for next one and half years i.e., till the notification for the next block of three years be issued inviting applications. Learned standing counsel relied on the Division Bench judgment of this Court in **Consortium of Engineering Colleges Managements Association (CECMA) and others v Government of Andhra Pradesh and Others**¹.

Having considered the respective submissions, *prima facie*, this Court finds that the Rule 4(i) of the AFRC Rules, which contemplates AFRC shall call for, from each institution, its proposed fee structure well in advance before the date of issue of notification for admission for the academic year along with all

¹ 2012(3) ALT 686 (D.B.)

the relevant documents and books of accounts for scrutiny. The concept of block period, which the learned counsel for the respondent submits is not there in the rules, but what all stipulated in Rule 4 (vi) is that the fee or scale of fee determined by the AFRC shall be valid for a period of three years. In the absence of a general notification and fixing a general fee, *prima facie*, the rule requires fixation of fee for each institution, which gives a right to institution to apply. If there is no data in relation to the previous years, the discretion vests with the committee to fix a minimum amount of fee, after taking into consideration of the relevant material in general with respect to the course, for which the institution has permission. Further, the judgment relied on by the learned standing counsel for the 2nd respondent has no application to the present case on hand.

In the circumstances, the impugned communication dated 05.06.2017, issued by the 2nd respondent, is set aside remitting back the applications with a further direction to the 2nd respondent to consider and process the same as expeditiously as possible, at any rate, not later than within four weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is allowed.

Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

Date:31.07.2017.

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