

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.27700 OF 2017

ORDER:

This Writ Petition is filed questioning the inaction of the 2nd respondent in granting affiliation for establishment of Private Polytechnics in the fields of Agriculture and Agricultural Engineering for the academic year 2017-18 considering the applications No.9781 and 9782 dated 15.5.2017 submitted by the 1st petitioner in pursuance of the Expression of Interest dated 14.4.2017 issued by the 2nd respondent.

The 2nd respondent University had issued a notification dated 14.4.2017 calling for expression of interest (EOI) from the interested reputed Educational Institutions/NGOs/other organization for establishment of private Agricultural Polytechnics. Pursuant to the advertisement issued, the petitioner educational institution, who claims to be in education field since 1993 had made an application for polytechnic in agricultural engineering. Two of the courses are being offered by the 2nd respondent university. The criteria for selection of monitoring of private polytechnics were set out in the notification dated 14.4.2017. It is the case of the petitioners that in spite of the fact that they had fulfilled all the criteria as laid down by the 2nd respondent University, the respondents had not granted affiliation and had not permitted the two courses for which the petitioners had applied for. As there was no response from the respondents, the petitioners were forced to approach the Court by filing Writ Petition No.25375 of 2017 and this Court directed necessary orders be passed on the application of the petitioners. On

receiving the orders of this Court, the present impugned communication dated 10.8.2017 was made informing the petitioners that their institution cannot be granted the necessary permission, as there exists adequate number of polytechnic colleges offering the courses for which the petitioners seek permission, and they have been granted admission for the academic year 2017-18. Assailing the said communication, the present writ petition is filed.

A counter-affidavit is filed by the 2nd respondent University asserting that the University is empowered to take a decision in terms of the Statute as well as in terms of the Regulations. The need and necessity of the area have been assessed by the University and an objective decision was taken to restrict the number of polytechnics in the District to 12 as of date and the same has been done to prevent over crowding of the institution which is likely to dilute the standards by creating unnecessary and unhealthy competition among the institutions.

Heard Sri V.R. Reddy Kovvuri, learned counsel for the petitioners and the learned Government Pleader for Higher Education (A.P). The respective counsel have reiterated their contentions as pleaded in their affidavits.

Now having considered the respective submissions, the question, which calls for consideration before this Court, is as to the validity or otherwise of the stand taken by the 2nd respondent University.

The facts are not in dispute. As can be seen from the notification dated 14.4.2017, the Expression of Interest (EOI) was called for establishing the Polytechnic colleges with respect to eight

number of Districts i.e., Srikakulam, Vizianagaram, East Godavari, Krishna, Nellore, Chittoor, Kurnool and Kadapa. The notification indicates that the 2nd respondent had made an assessment with respect to the need of establishing the private polytechnics in those districts. However, the 2nd respondent in its notification had not specified that a particular number of institutions alone would be permitted in the Districts notified. It is also not notified as to the method and manner or the comparative study that is likely to be conducted in selecting the institution for affiliation by making a comparative study of all the applicants who may apply for recommendation and affiliation. In the absence of there being any specification restricting the number of institutions in the notification that may be permitted and in the absence of specifically notifying that in the event of more than one applicant being there the best among the applicants based on a particular criteria would be selected, the stand taken by the 2nd respondent University is unsustainable. As rightly pointed out by the learned counsel for the petitioners, the admission of the students is not restricted to the students who seek admission from any particular district. As a matter of fact, the admission is open for all the intending students from across the State or even across the country subject to the restriction in relation to their eligibility under the relevant Government Orders governing the local and non local students. Even on that count, the reasons advanced by the learned counsel for the respondent University that adequate number of Polytechnic colleges are existing in the districts, cannot be accepted. It is not in dispute that the petitioners have fulfilled all the criteria and there is no deficiency as such has been pointed

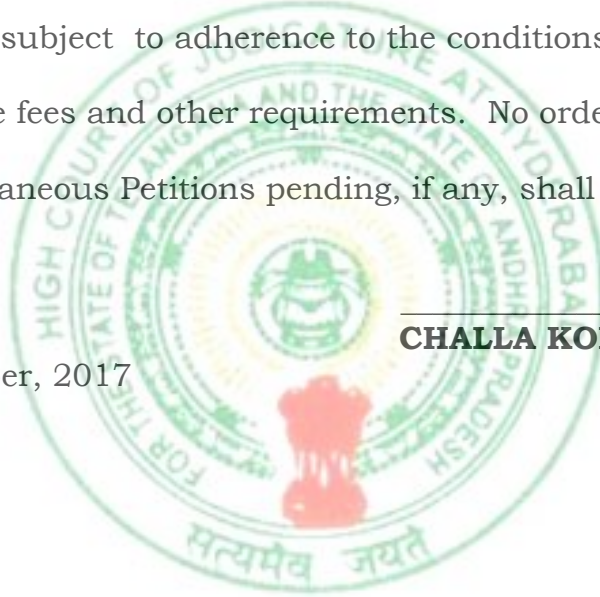
out with respect to the criteria laid down and notified in the notification dated 14.4.2017. In those circumstances, the stand taken by the respondent University that since six polytechnic colleges have already been granted, permission in addition to those six colleges cannot be granted is not sustainable particularly there being no specific restriction having been placed in the notification calling for Expression of Interest (EOI). In those circumstances, the writ petition is liable to be allowed.

Accordingly, the writ petition is allowed directing the 2nd respondent University to permit the petitioners' colleges to admit the students subject to adherence to the conditions laid down with respect to the fees and other requirements. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

15th September, 2017
Gk

CHALLA KODANDA RAM, J



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Date:15.09.2017

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