

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M. GANGA RAO**

WRIT APPEAL No.1430 OF 2017

JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order dated 31.08.2017 passed by the learned Single Judge in Writ Petition No.28824 of 2017.

The appellants-writ petitioners invoked the jurisdiction of this Court questioning the action of the second respondent in not granting them affiliation, and in not including them in the second phase of counselling. On the letter dated 03.08.2017 being brought to his notice, wherein the Registrar of the second respondent university had pointed out several deficiencies in the infrastructural facilities provided by the appellants-writ petitioners, the learned Single Judge granted the appellants-writ petitioners 15 days, from the date of receipt of a copy of the order, to rectify the deficiencies; and on submission of an appropriate report by petitioner No.2, the second respondent was directed to consider the same, and pass appropriate orders in accordance with law.

Sri C. Damodar Reddy, learned counsel for the appellants-writ petitioners would submit that the appellants are willing to furnish an affidavit undertaking to comply with the deficiencies within a specified timeframe; and the appellants-writ petitioners' interest should be safeguarded, directing the respondents to include them in the process of counselling.

The second respondent university has pointed out several defects which the appellants-writ petitioners were required to comply. It would be wholly inappropriate to permit them to admit students without rectifying those deficiencies, and without providing the required infrastructural facilities. While the submission of Sri C. Damodar Reddy, learned counsel for the appellants, that counselling is scheduled to be held shortly, and if counselling is completed, the appellants would be denied students, is no doubt valid, permitting the appellants-writ petitioners to admit students, without providing the required infrastructural facilities, would adversely affect the interests of the students who would suffer from lack of proper education in the absence of the much needed infrastructural facilities being provided to them.

We consider it appropriate, therefore, to permit the appellants-writ petitioners to comply with the deficiencies pointed out by the 2nd respondent within ten days from today. Within one week of receipt of a compliance report from appellant No.2-petitioner No.2, the second respondent shall cause an inspection of the appellant-writ petitioner's college, satisfy themselves that the deficiencies pointed out by them have been rectified; and, thereafter, consider the appellants'-writ petitioners' request for affiliation in accordance with law within one week from the date on which inspection is caused.

With the aforesaid directions, the writ appeal stands disposed of. Needless to state that if, and after, the second respondent grants the appellants' affiliation, the third respondent shall consider the appellants request for allocation of students to their college.

Miscellaneous petitions, if any, pending shall stand disposed of.

RAMESH RANGANATHAN, ACJ

21st SEPTEMBER, 2017.

M. GANGA RAO, J

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