

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND**

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Writ Petition No.36035 of 2017

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

Heard Sri M.Ravindranath Reddy, learned counsel for the petitioner-College, the learned Additional Advocate General for the State of Telangana and Sri A.Abhishek Reddy, learned counsel for the Telangana Admissions and Fee Regulatory Committee (TAFRC) and, with their consent, the Writ Petition is disposed of at the stage of admission. The relief sought for in this Writ Petition is to declare the action of the fourth respondent in not refunding/releasing the amount deposited, in terms of the judgment dated 14.11.2016 in WP.No.22186 of 2016, as arbitrary and illegal. A consequential direction is sought to the fourth respondent to refund/release the amount to the 2nd petitioner.

Facts, to the limited extent necessary, are that the petitioner-College requested the second respondent to fix the fee structure, for under-graduate engineering courses offered by them, for the three-year block period 2016-17 to 2018-19. As against the petitioner's claim for fixation of a fee of Rs.1,54,000/- per student per year, the second respondent fixed the annual fees at Rs.91,000/- per student, questioning which the petitioner filed WP.No.22186 of 2016. A learned Single Judge, by order in WP.No.22186 of 2016 dated 14.11.2016, directed the second respondent to re-determine the fee structure for B.E./B.Tech students studying in the petitioner-College for

the block period 2016-17 to 2018-19. The petitioner was directed to transfer the amount, representing the fee collected in excess of Rs.91,000/- from the students, to the Registrar (Judicial) of this High Court; and after the second respondent re-determined the fee structure, the Registrar (Judicial) was directed to return the differential fees, i.e., the difference between the fees prescribed by the second respondent and the fee fixed by the petitioner-college of Rs.1,54,000/- per annum, to the petitioner which, in turn, was required to refund it to the students.

Aggrieved thereby, the second respondent filed WA.No.224 of 2017 and, by order in WA.MP.No.478 of 2017 in W.A. No.224 of 2017 dated 06.03.2017, a Division Bench of this Court observed that the learned Single Judge had adequately safeguarded the interests of the second respondent in directing that the amounts be deposited till a fresh exercise was undertaken; and they saw no reason to stay the order of the learned Single Judge. The WAMP was dismissed.

Consequently, and in terms of the order of the learned Single Judge in WP.No.22186 of 2016 dated 14.11.2016, the second respondent re-determined the fee structure of the B.E./B.Tech courses, offered in the petitioner-College for the block period 2016-17 to 2018-19, as Rs.97,000/-per annum. Aggrieved thereby, the petitioner again invoked the jurisdiction of this Court by filing WP.No.7744 of 2017; and, by order dated 01.06.2017, the learned Single Judge allowed the said Writ Petition with costs of Rs.10,000/- declaring the recommendation of the second respondent, stipulating Rs.97,000/- per annum as

the tuition fee, and the consequential Government Order dated 04.02.2017, as without jurisdiction, void and illegal. The Learned Single Judge fixed the tuition fee at Rs.1,37,000/- per annum per student for the block period 2016-17 to 2018-19.

Aggrieved thereby, both the first and second respondents filed WA.No.801 of 2017. In its order, in WA.MP.No.1562 of 2017 in WA.No.801 of 2017 dated 27.06.2017, a Division Bench of this Court noted that earlier a learned Single Judge of this Court had, by his order in WP.No.21246 of 2013 dated 10.03.2016, accepted the expenditure incurred by the petitioner, and had directed the second respondent to fix the fee structure accordingly; this, according to the learned counsel for the petitioner, would result in their being entitled to collect fees of Rs.1,51,000/-; this order in WP.No.21246 of 2013 dated 10.03.2016 continued to remain in force as no appeal had been preferred thereagainst till date; the learned Single Judge had, in the order under appeal, prescribed the annual fee at Rs.1,37,000/-; and the difference per student would be Rs.20,000/- per annum. The Division Bench considered it appropriate to permit the petitioner to collect fees at Rs.1,37,000/- per student per year subject to the condition that, within ten days of receipt of the fees from each of the students concerned, they should furnish a bank guarantee in favour of the Registrar (Judicial) of the High Court for the differential amount of Rs.20,000/- per student; the bank guarantee was to be kept alive during the pendency of the appeal; and the petitioners were directed to furnish a detailed statement of the fees received by them, and the bank guarantees furnished by

them, to the appellant within 10 days of the bank guarantees being furnished to the Registrar (Judicial) of this Court.

The petitioner claims to have furnished the bank guarantees, in terms of the aforesaid order of the Division Bench, to the Registrar (Judicial). They requested the Registrar (Judicial), by their letter dated 24.10.2017, to refund the differential fee of Rs.63,000/- per student which they had earlier deposited in compliance with the order of the learned Single Judge in WP.No.22186 of 2016 dated 14.11.2016.

Sri M.Ravindranath Reddy, learned counsel for the petitioner, would submit that, while 1520 students were admitted into the B.E./B.Tech under-graduate courses in the petitioner-College during the academic year 2016-17, 1074 of these students were called upon to pay Rs.1,60,000/- in terms of the fee fixed by the petitioner; of these 1074 students, only 145 students had paid Rs.1,54,000/- during the academic year 2016-17; it is only in respect of these 145 students that the differential fee of Rs.63,000/- per student was deposited with the Registrar (Judicial); in the light of the subsequent order of the Division Bench, the petitioner had furnished bank guarantees of Rs.20,000/- with respect to each of the students who had paid Rs.1,37,000/- as fees for both the academic years 2016-17 and 2017-18; in compliance with the said order of the Division bench, the petitioner would continue to furnish bank guarantees of Rs.20,000/- per student within 10 days of the receipt of the annual fees of Rs.1,37,000/- from them; and they would do so even for the year 2018-19 in case the Writ Appeals

are not finally heard before the commencement of the academic year.

While Sri A.Abhishek Reddy, learned counsel for the second respondent, would submit that the second respondent has preferred an appeal to the Supreme Court against the interim order passed by the Division Bench in WA.MP.No.1562 of 2017 in WA.No.801 of 2017 dated 27.06.2017, Sri M.Ravindranath Reddy, learned counsel for the petitioner, would submit that the petitioner had filed a caveat before the Supreme Court; and the SLP has not been listed before the Supreme Court till date. As the interim order passed by the Division Bench on 27.06.2017 (four months ago) continues to remain in force, we see no reason to deny the petitioner the relief sought for by them in this Writ Petition.

As we are concerned only with regards the petitioner's claim for refund of Rs.63,000/- deposited by them with respect to the 145 students who had paid Rs.1,54,000/- as fees during the academic year 2016-17, we consider it appropriate to dispose of the Writ Petition in the following terms.

- (1) The Registrar (Judicial) shall verify whether the petitioner has furnished bank guarantees of Rs.20,000/- for each of the 145 students, with respect to whom they had earlier deposited Rs.63,000/-, with the Registrar (Judicial), representing the differential fees for the academic year 2016-17;
- (2) In case such bank guarantees have been furnished, then the sum of Rs.63,000/- deposited by the petitioner with the Registrar (Judicial), with respect to each such

student along with accrued interest thereon, shall be refunded to the petitioner; and

(3) A statement containing details of the student with respect to whom the petitioner had earlier deposited Rs.63,000/-, and details of the bank guarantees furnished with respect to each such student, shall be prepared by the Registry, and furnished both to the petitioner and to the second respondent.

(4) The amount refunded may be transferred online to the petitioner's bank account, in case particulars of the bank account are furnished by the petitioner to the Registrar (Judicial).

The Writ Petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(ABHINAND KUMAR SHAVILI, J.)

Date: 08th November, 2017

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