

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL Nos.1699 AND 1702 OF 2017

COMMON JUDGMENT: (per Hon'ble Acting Chief Justice Ramesh Ranganathan)

These appeals are preferred against the interlocutory order passed by the Learned Single Judge whereby the appellants were directed to notify Rs.1,37,000/-/Rs.1,60,000/- as the fee for the block period 2016-17 to 2017-18 under Rule 4 of the Telangana Admissions and Fee Regulatory Committee (Professional Courses Offered in Private, Unaided Professional Institutions) Rules, 2006 subject to the conditions mentioned in the order of the Division bench.

The order of the Division bench, referred to in the orders under appeal, are those passed in WAMP No.1562 of 2017 in W.A. No.801 of 2017 dated 27.06.2017, and in WAMP No.1554 of 2017 in W.A. No.798 of 2017 dated 27.06.2017.

In the orders, under challenge in W.A.Nos.801 and 798 of 2017, the Learned Single Judge had fixed the tuition fee per student per year, and had directed the appellant herein to notify the same within two weeks from the date of receipt of a copy of the order. While permitting the respondent-writ petitioners to furnish a bank guarantee in favour of the Registrar (Judicial) of the High Court for a sum of Rs.20,000/- per student, which was directed to be kept alive during the pendency of the appeal, a Division Bench of this Court had directed that, in all other aspects, the orders under appeal be suspended.

As noted hereinabove, among the directions issued by the Learned Single Judge, in the orders which were subjected to challenge in W.A.Nos.798 and 801 of 2017, was a direction to the appellant to

notify the fee fixed in the order. This direction, along with others, was suspended in the Writ Appeals preferred against the aforesaid orders. In the present case, the interim orders under appeal were passed on the erroneous premise that the order of the Division bench, as aforementioned, required the appellants to notify the fee structure which, as noted hereinabove, was not what was directed by the Division bench. We are satisfied, therefore, that the interim orders, under appeal before us, could not have been passed as it falls foul of the directions of the Division bench in the interlocutory orders aforementioned.

Sri M. Ravindranath Reddy, Learned Counsel for the respondent-writ petitioners, would submit that the respondent-writ petitioners have moved an application in the Writ Appeals pending before the Division bench seeking a direction to the appellants herein to notify the fees as fixed in the interim order passed in the said Writ Appeals. Suffice it to make it clear that this order, now passed by us, would not disable the respondent-writ petitioners from seeking modification, of the interlocutory order passed in the aforementioned Writ Appeals, in accordance with law. The orders under appeal are set aside.

Both the Writ Appeals are disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

ABHINAND KUMAR SHAVILI, J

Date: 13.11.2017
MRKR