

THE HON'BLE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

C.C.NO. 1028 OF 2018

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

The complaint of the petitioner, in this contempt case, is that the respondents continue to grant temporary affiliation to various private colleges even though they have not provided the required permanent buildings and other infrastructural facilities even after ten years. This action on the part of the respondents, in continuing to grant temporary affiliation, is said to be in violation of the order of the Division Bench of this Court in W.A.No. 1355 of 2004 dated 21.9.2006.

What was in issue before the Division Bench in W.A.No. 1355 of 2004 was whether the conditions enumerated in Rule 10, of the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Institutions of Higher Education) Rules, 1987, for grant of permanent recognition/affiliation to Government and private institutions could be invoked by the competent authority to decline grant of temporary affiliation in terms of Rule 9 of the Rules. The Division Bench held that the decision of the competent authority, not to renew the temporary affiliation of the appellants, shall stand nullified; and the temporary affiliation, and/or renewal thereof, granted to the appellants by the competent authority, in furtherance of interim order dated 1.9.2004 passed by the Division Bench, shall stand regularized.

It is no doubt true that the Division Bench had, in the aforesaid order, referred to the Rules which disable temporary affiliation to be granted beyond ten years. If, despite the statutory Rule prohibiting extension of temporary affiliation being granted beyond ten years, the respondents are continuing to do so, then the action of the respondents in this regard can be subject to challenge in appropriate legal proceedings. This Court exercises jurisdiction, under the Contempt of Courts Act, only in cases where there is wilful or deliberate violation of the order passed by this Court.

As noted hereinabove, the order of the Division Bench did not disable the respondents herein from granting temporary affiliation to private collages beyond ten years. Consequently the order of the Division Bench cannot be said to have been violated, much less wilfully or deliberately. We see no reason, therefore, to proceed against the respondents under the Contempt of Courts Act. Suffice to make it clear that this order shall not disable the petitioner from questioning grant of temporary affiliation, by the respondents herein, to various private colleges beyond the period of ten years in appropriate legal proceedings.

The contempt case is, accordingly, dismissed. Miscellaneous applications, if any pending, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

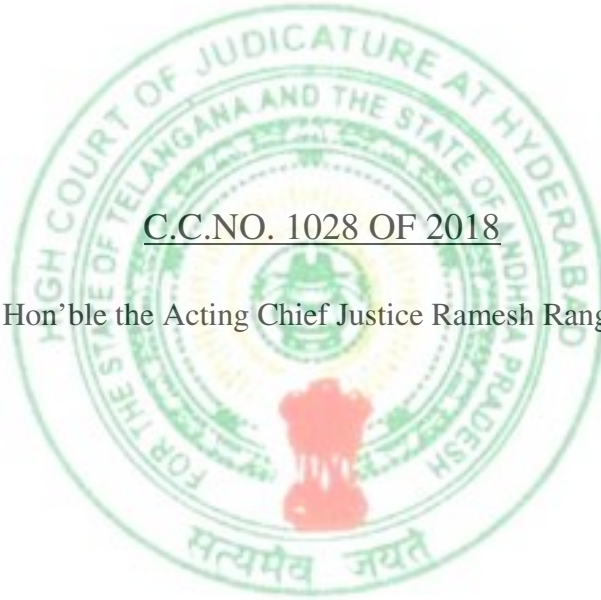
J. UMA DEVI, J

Dt. 5.6.2018
KR/GSN

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