

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

W.A.No.554 of 2019

Date: 03.07.2019

Between:

The State of Telangana,
Rep. by its Secretary,
Higher Education,
Secretariat Buildings,
Hyderabad, and two others.

...Appellants

and

Sree Educational Society, and others

...Respondents

**Counsel for the petitioners: Mr. J. Ramachandra Rao,
Learned Additional Advocate General**

**Counsel for the respondents: Mr. S. Niranjan Reddy
For Mr. Tarun G Reddy**

The Court made the following:

Judgment: (per Hon'ble Sri Justice Raghvendra Singh Chauhan)

The State is aggrieved by an interim order passed by a learned Single Judge of this Court, in I.A.No.1 of 2019 in W.P.No.11615 of 2019, whereby while dealing with the peculiar facts and circumstances that the Telangana Admission and Fee Regulatory Committee (hereinafter referred to as, 'the Committee') was non-functional at the relevant time, the learned Single Judge has issued certain directions, which are as under:

"Considering the facts and circumstances of the case and the submission of the learned Additional Advocate General, that Government is appointing the Chairman to the 2nd respondent – Committee very shortly and that it would consider the proposals submitted by the petitioners, this Court is inclined to grant the conditional interim order:

In case the 2nd respondent – Committee is able to take a decision on the proposals submitted by the petitioner – Institutions and fixes the fee, before the admission process starts in the 1st phase of counseling, they shall abide by the said decision with regard to collection of fee for the block period 2019-20 to 2021-22.

In case, the 2nd respondent – Committee, is unable to consider the proposals submitted by the petitioner – Institutions and take a decision with regard to fee structure for the block period 2019-20 to 2021-22, before the admission process starts in the 1st phase of counseling, and pending such consideration, the 1st respondent shall permit the petitioner – Institutions to collect fee as per the proposals submitted by them to the 2nd respondent – Committee for the block period of 2019-20 to 2021-22.

It is made clear that such collection of fee from the students by virtue of the above interim direction, is subject to fixation of fee by the 2nd respondent. If the fee fixed by the 2nd respondent – Committee, is less than the proposals of the petitioner – Institutions, the excess amount collected, shall be refunded to the respective student with proper

acknowledgement, and report the same to this Court by way of an affidavit.

The above interim arrangement made by this Court with regard to collection of proposed fee pending consideration of proposals by the 2nd respondent, shall be made known by the petitioner – Institutions to the respective students taking admission in their Institutions.”

Mr. J. Ramachandra Rao, the learned Additional Advocate General, submits that despite the directions issued by the learned Single Judge, the respondent educational institutions are collecting the fees on their own, and are not even cooperating with the Committee, in spite of the fact that the Committee has been constituted. Therefore, the directions issued by the learned Single Judge need to be set aside by this Court.

On the other hand, Mr. S.Niranjan Reddy, the learned Senior Counsel appearing for Mr. Tarun G. Reddy, learned counsel for the respondent educational institutions, submits that the directions issued by the learned Single Judge are certainly reasonable especially considering the fact that at the relevant time, the Committee was non-functional one. Therefore, the learned Single Judge has already dealt with the various eventualities that might crop up prior to the constitution of the Committee and subsequent thereto. Moreover, in case, the respondent educational institutions do not comply with the recommendations of the Committee, under the provisions of the Andhra Pradesh Educational Institutions (Regulation of Admissions and Prohibition of

Capitation Fee) Act, 1983, the Government has ample powers to discipline the erring educational institutions. Therefore, the learned Senior Counsel has supported the impugned order.

Heard the learned counsel, and perused the impugned order.

Admittedly, when the impugned order was pronounced on 19.06.2019, the Committee was non-functional one. Therefore, the learned Single Judge was justified in issuing the directions mentioned hereinabove. The directions take care of the different circumstances which may arise. Moreover, the directions protect both the interests of the educational institutions and the interest of the students. Therefore, the directions are most reasonable, just and fair. Hence, the appellants cannot be aggrieved by the directions issued by the learned Single Judge.

Needless to say that in case the educational institutions were to flout the recommendation of the Committee, or behave in any irresponsible manner, the Act, the Rules, and the guidelines bestow ample powers on the Committee and upon the Government to discipline the erring educational institutions. Therefore, the anxiety expressed by the learned Additional Advocate General that the educational institutions are not cooperating with the Committee is highly misplaced.

For the reasons stated above, this Court does not find any illegality or perversity in the impugned order. This appeal being devoid of any merit is, hereby, dismissed.

As a sequel, Miscellaneous Petitions, pending if any,
stand disposed of as infructuous.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(Dr. SHAMEEM AKTHER, J)

Date: 03.07.2019
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