

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.22363 OF 2019

ORDER:

This writ petition is filed questioning the action of 4th respondent-Engineering Staff College of India, Gachibowli, in not processing/ratifying/approving the admissions of petitioners herein to pursue PGDM programme for the academic year 2019-21 in 4th respondent-college.

Heard Sri D.V. Seetharama Murthy, learned senior counsel appearing on behalf of Sri Mamidi Avinash Reddy, learned counsel for the petitioners and the learned Assistant Solicitor General appearing for respondent No.1 and Sri K. Rama Kanth Reddy, learned Standing Counsel for respondents 2 and 3 and Sri B. Chinnappa Reddy, learned counsel appearing for 4th respondent-college and Sri N. Ramachander Rao, Senior Counsel for Sri M. Vijaya Kanth, learned counsel appearing for respondent No.5.

The common cause of all the petitioners in the present writ petition is that pursuant to the admission notification issued by 4th respondent, they have obtained applications and sought for admission for the said course offered by 4th respondent, which is stated to be recognized by All India Council for Technical Education (AICTE)-second respondent in the writ petition. The 4th respondent in order to secure students seeking admission into PGDM course has

outsourced certain of its functions to the 5th respondent and it appears that there are *inter se* disputes between 4th and 5th respondents, as a result of which, the students, who sought admissions and whose applications were processed by 5th respondent pursuant to the Agreement for Support Services between 4th and 5th respondents dated 27.04.2016, as amended from time to time, are before this Court, since the amount of Rs.30,000/- collected towards admission fee, which it is stated has been remitted to the 5th respondent, is not being made over to the 4th respondent. Further, the 4th respondent seeks to collect the tuition fee which the students are liable to pay for the two year course is also to be paid to them directly. The 4th respondent chose not to approve/ratify the students, as forwarded by 5th respondent only on the ground that the payment of application fee and admission fee of Rs.30,000/- have not been remitted by the 5th respondent till date. The issue involved in the present writ petition is as to whether the petitioners should be permitted to seek admission and the 4th respondent is to be directed to approve the names of the students for the said course for the academic year 2019-21 to be informed to the AICTE.

This Court on 21.10.2019 directed 5th respondent to make remittances of admission fee collected by it in respect of 92 students out of 94 students to the 4th respondent-college, since the fee in respect of 2 students is already paid. Memo has been filed by 5th respondent today i.e., on 22.10.2019

enclosing therewith, the names of the students and also the details of amount of admission fee that has been remitted to the account of the 4th respondent. The list of students in respect of which the said amount has been paid are 94 students in number, out of which, in respect of 2 students (i.e., first petitioner and 3rd petitioner), the amount had been paid earlier, thereby the 5th respondent was required to pay an amount of Rs.30,000/- towards admission fee in respect of which 92 students only, totaling to Rs.27,60,000/-, in addition to the application fee in respect of 62 students of Rs.62,000/-. It is evident that the said amount has now been remitted.

Since, the admission fee in respect of 94 students is with the 4th respondent-college, the 4th respondent is hereby directed to upload the names of the students, as forwarded by the 5th respondent in the AICTE portal, as per the Regulation-7 of AICTE (Norms and Standards for the conduct of PGDM) Regulations, 2017. Further, the 5th respondent is hereby directed not to collect the tuition fee in their name and same shall be paid by the students admitted into the course directly to the 4th respondent within the prescribed time, which will not jeopardize their academic pursuit on account of *inter se* dispute between respondents 4 and 5. It is for the respondents 4 and 5 to resolve their disputes in relation to the Agreement for Support Services, as provided thereunder. Inasmuch as the admission fee is remitted to the

4th respondent, the students who are sought to be stopped from attending the classes shall be permitted to attend.

With the above directions, the writ petition is disposed of. However, there shall be no order as to costs.

Further, the learned counsel for the 4th respondent undertakes to inform the 4th respondent-college to allow the students into the classes from tomorrow onwards.

As a sequel thereto, Miscellaneous Applications, if any, pending in this writ petition shall stand closed.

Date: 22.10.2019

Note: Issue CC by tomorrow.
(B/o.)
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T. VINOD KUMAR, J

