APHC010541542026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Bench Sr.No:-35 [3584]

WRIT APPEAL NO: 1183 of 2026

Vennapusa Venkata Siva Reddy ...Appellant

Vs.

Dwarkamai Educational Society and others ...Respondent(s)

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CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE CHALLA GUNARANJAN

DATE : 12th November 2026

Present:

Advocate for Appellant:	SRI N.SUBBA RAO, Ld. SENIOR COUNSEL, REPRESENTING MS.PANGULURU RACHANA
Advocate(s) for Respondent(s):	SRI O.MANOHAR REDDY, Ld.SENIOR COUNSEL, REPRESENTING MR. VIJAY MATHUKUMILLI; MR.B RAMESH, SC FOR BOARD OF INTERMEDIATE EDUCATION, & GP FOR SCHOOL EDUCATION,

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JUDGMENT: (per Hon'ble Sri Justice Challa Gunaranjan)

Present writ appeal is directed against order, dated 22.09.2026, in W.P.No.22014 of 2026, whereby learned Single Judge disposed writ petition by setting aside impugned proceedings bearing File No.ESE51-13/113/2026-CSEC-BIE, dated 15.06.2026, issued by Board of Intermediate Education refusing shifting of college, and further directing

to grant permission for shifting the college from existing building to new permanent building.

2. 1st respondent/writ petitioner filed Writ Petition challenging proceedings bearing File No.ESE51-13/113/2026-CSEC-BIE, dated 15.06.2026, issued by 3rd respondent herein in refusing to grant permission for shifting of college, as illegal, arbitrary, without jurisdiction, and contrary to provisions of the Andhra Pradesh Education Act, 1982 (for short, "the Act") read with Rule 14(3) of the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Institutions of Higher Education) Rules, 1987 (for short, "the Rules").

3. 1st respondent/writ petitioner Society stated to have been registered in the year 2016 under the provisions of Societies Registration Act, 2001 for the purpose of imparting education, and it had been granted permission to run Junior College at Chimakurthy, Prakasam District. The said college, being sponsored by 1st respondent, was maintained by 4th respondent. 4th respondent was acting as Secretary and Correspondent, and Mr.Munagala Gopikrishna Reddy, as Principal, who incidentally were office bearers of 1st respondent Society. However, on account of certain disputes amongst members of 1st respondent Society, it is stated that by resolution, dated 10.06.2025, 4th

respondent as well as Principal have been removed as members, and got dissociated from affairs of Society and College, aggrieved by which, they had preferred S.R.O.P. No.1 of 2025 on the file of the Principal District Judge's Court at Ongole, under Section 23 of the Act.

4. Pending said proceedings, 1st respondent Society made request before 3rd respondent-Board of Intermediate Education, for shifting the college from existing premises to new premises within the locality. The said request was opposed by appellant, vide representation, dated 28.04.2026. As 3rd respondent stated to have been considering request for shifting without considering aforesaid representation, W.P. No.12802 of 2026 was preferred. By interim order, dated 05.05.2026, direction was issued to consider the representation before any decision is taken in that regard. Consequently, by impugned proceedings, dated 15.06.2026, the request for shifting of college to new premises was rejected on the ground of pendency of proceedings in S.R.O.P. No.1 of 2025, which concerned *inter se* disputes amongst members of Society. Challenging the same, W.P. No.22014 of 2026 was preferred.

5. Appellant, who was arrayed as 4th respondent in writ petition, opposed the writ petition on the ground that writ petitioner Society did not have *locus standi* to file writ petition, further, that pendency of S.R.O.P.No.1 of 2025, wherein one of reliefs sought for was to the effect

of declaring to recognize 4th respondent as President of Society since pending adjudication, shifting of college at the instance of writ petitioner cannot be permitted.

6. Considering aforesaid submissions, learned Single Judge opined that in the interest of students at large, denial of request for shifting of college to new premises would be unreasonable, thus, by setting aside proceedings under challenge, directed 3rd respondent herein to grant permission for shifting the college to new premises. Further, it was made clear that mere shifting of college to new premises would not confer any rights on writ petitioner to claim equity in the pending proceedings in S.R.O.P. No.1 of 2025.

7. Heard Sri N.Subba Rao, learned Senior Counsel, representing Ms.Panguluru Rachana, learned counsel for petitioner and Sri O. Manohar Reddy, learned Senior Counsel, representing Mr.Vijay Mutukumilli, learned counsel for 1st respondent/writ petitioner; learned Government Pleader for Higher Education and Mr.B.Ramesh, learned Standing Counsel for Intermediate Board.

8. Learned Senior Counsel appearing for appellant contended that in view of pendency of *inter se* disputes amongst members, which concern with management and affairs of not only Society but also running of Junior College, since are pending in S.R.O.P. No.1 of 2025,

3rd respondent rightly rejected the request for shifting, thus, learned Single Judge committed an error in setting aside the rejection order and directing to grant permission for shifting of college to new premises. He further contended that direction issued by learned Single Judge in the teeth of Rule 14(3) of the Rules is unsustainable, inasmuch as the college is sought to be shifted from one existing rented premises to another rented premises.

9. Sri O. Manohar Reddy, learned Senior Counsel appearing for 1st respondent/writ petitioner, tried to support the impugned order by contending that mere pendency of proceedings in S.R.O.P.No.1 of 2025, and even if they were be concerning with disputes regarding management of Society as well as college, in the absence of any interim protection being granted, there cannot be any impediment in consideration of request for shifting of college from existing premises to new premises in terms of Rule 14(3) of the Rules. He further contended that Rule 14(3) permits shifting of college not only into its own building, but even to building with better accommodation, as in the present case, college, since is being run in temporary sheds and shifting is proposed to building with permanent structures, there is every justification for considering such request.

10. The learned Government Pleader for Higher Education contended that order of rejection was merely on the ground of pendency of *inter se* disputes amongst members of Society, but not on merits of the matter, therefore, urged to remand the matter to 3rd respondent for *de novo* consideration.

11. We have perused the record and considered the submissions made above.

12. Rule 14(3) of the Rules, dealing with shifting of college to different premises, reads as under:

> "Rule 14(3). No institution for which permission to establish has been granted to meet the educational needs of a particular locality, shall be permitted to be shifted to another locality. However, shifting of the institution from one building to another within the same locality shall be permitted when the intention is to provide better accommodation or shifting into own buildings is proposed, with the prior permission of the Government. Any unauthorised shifting of the institution shall render lapse of the permission/recognition/affiliation granted to the institution automatically, without any further notice or orders."

13. Perusal of above Rule goes to show that institution, which has been established in a particular locality, cannot be permitted to be shifted to another locality. In case building has to be shifted within the same locality, the same is permissible with prior permission of

Government only in the event shifting is proposed for providing better accommodation or into its own building.

14. Ground on which shifting of college was rejected, primarily being on account of pendency of S.R.O.P. No.1 of 2025, wherein *inter se* disputes amongst members of Society were under adjudication, since Rule 14(3) of the Rules does not encompass such scenario for the purpose of determining the request for shifting, order passed by 3rd respondent would, thus, be unsustainable. In the present case, request for shifting was made in order to provide better accommodation. Whether such request is justified or not requires examination by 3rd respondent. We are, therefore, of the opinion that it is for 3rd respondent to decide the application on merits, keeping in view the parameters envisaged in Rule 14(3) of the Rules.

15. In view of the same, we remand the matter to 3rd respondent to re-examine the application of writ petitioner within the parameters of Rule 14(3) of the Rules and pass appropriate orders within eight weeks from the date of receipt of a copy of this Judgment.

16. It is needless to say that before passing any such orders, appellant as well as 1st respondent/writ petitioner be given an opportunity of hearing.

17. Impugned order of learned Single Judge is accordingly modified and writ appeal stands disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

LISA GILL, CJ **CHALLA GUNARANJAN, J**

Dt.12.11.2026.
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