

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

**HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE
&**

HON'BLE MR. JUSTICE NINALA JAYASURYA

WRIT APPEAL No.161 of 2023

The Andhra Pradesh Higher Education Regulatory
and Monitoring Commission,
Government of Andhra Pradesh,
Represented by its Member Secretary, 13 Block,
4th Floor, Sri Anjaneya Towers, NTPS Road,
Ibrahimpattanam, Vijayawada – 521 456.

Correct Address:

3rd Floor, C-Block (NRI Block), Sree Mahindra Enclave,
Tadepalli, Guntur District – 522 501, Andhra Pradesh.

..Appellant

Versus

Andhra Pradesh Private Degree College
Managements Association (APPDCMA),
Represented by its President,
Sri Kanumarla Gunda Reddy,
D.No.10/20436E15 and 16, Revenue Ward No.10,
Makrapuram Municipality, Markapur, Prakasam District,
Andhra Pradesh – 523 116 and others.

...Respondents

ORAL JUDGMENT

Dt:21.02.2023

(per Prashant Kumar Mishra, CJ)

This appeal is directed against the interim order dated 28.12.2022
passed by the learned single Judge in I.A.No.02 of 2022 in W.P.No.32987
of 2022. The order passed by the learned single Judge in I.A.No.02 of
022 in W.P.No.32987 of 2022 is as follows:

"Heard Sri M.Vijay, learned counsel for the petitioners and Sri C.Sudesh Anand, learned Standing Counsel for the respondent No.2.

The learned counsel for the petitioners pointed out that for the present Academic year, respondent No.2 has segregated the Under-Graduate Courses for collection of processing fee.

In that view of the matter, this I.A. is ordered directing the respondent No.2 to permit the petitioners – institutions along with its members to submit the data as per Rule 8 of G.O.Ms.No.49 dated 11.10.2019 by paying the processing fee as per the previous block period tentatively. These arrangements will be subject to the result of the present Writ Petition and the date for submitting the data is extended till 18.01.2023.

In default the members of the petitioners Colleges are directed to pay processing fee as per the present block period.

Any payment made is subject to the result of the Writ Petition."

2. In writ petition No.32987 of 2022, the petitioners have prayed for declaration that the action of respondent No.2 (appellant herein) in collecting large sum towards processing fee for each of the courses offered by the private unaided Degree Colleges in the State and further threatening to take coercive action for failure to pay the same as per the demand made by it, is arbitrary, illegal and violative of Articles 14 and 19 of the Constitution of India and violative of the Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act, 2019 (for short "Act No.20 of 2019") and rules framed thereunder and direct respondent No.2 (appellant herein) not to insist for payment of processing charges

towards review and determine the fee structure in terms of the Act No.20 of 2019.

3. It is informed that out of approximately 5000 colleges in the State, majority of them have already paid the processing fee and submitted the data as per the direction issued by the learned single Judge in I.A.No.02 of 2022 in W.P.No.32987 of 2022 or in terms of the notification dated 30.06.2022. However, there are some colleges, who have neither paid the processing fee nor submitted the data.

4. Considering that most of the colleges have complied with the interim order passed by the learned single Judge in I.A.No.02 of 2022 in W.P.No.32987 of 2022 or notification dated 30.06.2022, there is no point in keeping the present writ appeal pending. Therefore, the writ appeal is disposed of observing that those colleges who have neither paid the processing fee nor submitted the data shall be dealt with in accordance with law as held by the Division Bench of the High Court of Andhra Pradesh at Hyderabad in the matter of "***Consortium of Engineering Colleges Managements Association (CECMA), Hyderabad Vs. Government of Andhra Pradesh*** reported in ***(2012) 3 ALT 686 (DB)***". No costs. All pending miscellaneous applications shall stand closed.

PRASHANT KUMAR MISHRA, CJ

NINALA JAYASURYA, J

Ksp