

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.16380 of 2023

ORDER:

This writ petition came to be filed under Article 226 of the Constitution of India, seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.3 in not permitting to pay processing fee with penalty as stipulated in the circular dated 30.06.2022 for fixing the tuition fee for Degree Courses of the Petitioner Institution. Further the Respondent Nos.1 & 2 in not adding/listing the Petitioner Institution for allotment of students/admissions into Degree Courses for the present academic year through OAMDC being arbitrary, illegal, unwarranted and violative of Articles 14 & 19 of the Constitution of India and violative of the Andhra Pradesh Education Act and consequently direct the Respondent No.3 to allow the Petitioner Institution to receive the processing fee for degree college courses along with penalty fee as stipulated under the circular dated 22.09.2022 and fix the of minimum fee for the block period 2023-24 to 2025-26 as per the orders of this Hon’ble Court in W.A.No.687 of 2023.....”

2. Heard learned counsel for the petitioner, learned Government Pleader for Higher Education and learned Standing Counsel appearing for the respondents.

3. During hearing, learned counsel for the petitioner and learned Government Pleader for Higher Education would submit that, in similar set of circumstances, this Court passed a detailed orders in W.P.No.18309 of 2023 dated 25.07.2023 and W.P.No.18649 of 2023 dated 27.07.2023 relying on the

Judgment of the Hon'ble Division Bench of this Court passed an order in Writ Appeal No.607 of 2023, dated 21.06.2023 and requested this Hon'ble Court to issue similar directions even in this Writ Petition also.

4. In view of the specific request made by learned counsel for the petitioner and learned Government Pleader for Higher Education, let there be a similar order passed in W.P.No.18309 of 2023 dated 25.07.2023 and W.P.No.18649 of 2023 dated 27.07.2023 even in this case also.

5. Hence, the Writ petition is disposed of with the following directions:

- i. The petitioner(s)/college(s) is/are directed to furnish all the data as required by the Commission for fixing the fee for the block period 2023-24 to 2025-26 along with representation (if not submitted) by paying the processing fee with penalty as suggested in the notification within a period of one week from today.
- ii. On receipt of the same, the Commission is directed to process the representation of the petitioner, immediately on or before commencement of the 2nd counseling.
- iii. The State and Commission are directed to receive the relevant data submitted by the petitioner(s)/college(s) as per notification dated 30.06.2022 and the Commission shall tentatively fix the fee that can be collected by the college(s), for the courses offered, on par with the

minimum fee that is being fixed in the colleges in the State and recommend the same to the State Government in five days.

- iv. The said minimum fee fixed, shall be treated as a tentative fee and the correct fee would be fixed by the Commission after due processing of the data submitted by the college.
 - v. After receiving the request from the Commission, the State Government shall display the petitioner(s)/college(s) in the list of colleges at official website for participating in the 2nd web counseling in UG courses for the present Academic Year 2023-24 through OAMDC.
 - vi. The State Government shall caution the students, taking admission into the courses offered by the colleges, by informing the students that the fee shown in the admission process, which is being collected initially, is a tentative fee and shall be subject to further change depending upon the final fee that would be fixed by the Commission.
 - vii. The Commission may also consider early fixation of the final fee that can be collected by the college for the block period 2023-24 to 2025-26.
6. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this case, shall stand closed.

JUSTICE V.SUJATHA

Date :06.11.2023

SRT

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