

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No. 18142 of 2023

ORDER:-

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

“... to issue writ or direction in way of Writ of Mandamus 1) declaring the action of the 1st and 2nd respondents in eliminating the petitioner Degree College from participating in the online Web Counseling being conducted by the 3rd respondent by not including the name of the petitioner Degree College in G.O.Ms.No.22, A.P.Higher Education (RM) Department dated 12.07.2023 for admission of students in various courses offered by the petitioner Degree College as illegal and arbitrary, consequently direct the respondents to allow the petitioner Degree College to participate in the Web Counseling pursuant to the notification dated 12.06.2023 issued by the 3rd respondent for admission of students in various courses offered by the petitioner Degree College subject to verification of the eligibility criteria and payment of verification fee and penalty to the 2nd respondents in the interest of justice. 2) to direct the 1st and 2nd respondents to receive the relevant data of the petitioner Degree College and audited financial statements and other relevant information along with the processing charges and penalty if any and if the petitioner Degree College found to be eligible, to determine the fees structure and allow the petitioner Degree College to take part in the admission process pursuant by the notification issued by the A.P.State Council for Higher Education...”

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

3. When the matter is taken up for hearing, learned counsel for the petitioner would submit that the issue involved in this Writ

Petition is squarely covered by the order passed by this Court in Writ Appeal No.607 of 2023, dated 21.06.2023 and requested to pass a similar order in this writ petition also, operative portion reads as follows:

“...13. In that view of the matter, this writ appeal is being disposed of with the following directions:

- 1) The appellant shall tentatively, fix the fee that can be collected by the 1st respondent, for the courses offered by the 1st respondent in its college, on par with the minimum fee that is being fixed in the colleges in the State, and recommend the same to the 2nd respondent State in two days.*
- 2) The said minimum fee fixed shall be treated as a tentative fee and the correct fee would be fixed by the appellant after due processing of the date submitted by the 1st respondent.*
- 3) After receiving the request from the appellant, the 2nd respondent shall display the 1st respondent-college in the list of colleges at official website for participating in the counseling in UG courses for the present Academic Year 2023-24 through OAMDC*
- 4) The 2nd respondent State Government, shall caution the students taking admission into the courses offered by the 1st respondent by informing the said 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 appellant.*
- 5) The appellant may also consider early fixation of the final fee that can be collected by the 1st respondent for the block period 2023-24 to 2025-26....”*

4. The same is not disputed by learned Government Pleader for Higher Education and learned Standing Counsel for the Respondents.

5. In view of the same, let there be a similar order in this case, following the identical lines as in Writ Appeal No.607 of 2023 dated 21.06.2023.

6. In the result, Writ Petition is disposed of with the following directions:

- i) The 3rd respondent shall tentatively, fix the fee that can be collected by the petitioner, for the courses offered by the petitioner in its college, on par with the minimum fee that is being fixed in the colleges in the State, and recommend the same to the 1st respondent State in two days.
- ii) The said minimum fee fixed shall be treated as a tentative fee and the correct fee would be fixed by the 3rd respondent after due processing of the date submitted by the petitioner.
- iii) After receiving the request from the respondent No.3, the 1st respondent shall display the petitioner-college in the list of colleges at official website for participating in the counseling in UG courses for the present Academic Year 2023-24 through OAMDC
- iv) The 1st respondent State Government shall caution the students taking admission into the courses offered by the petitioner by informing the said 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 3rd respondent.

- v) The 3rd respondent may also consider early fixation of the final fee that can be collected by the petitioner for the block period 2023-24 to 2025-26.

7. However, this order will not preclude the respondent authorities to act in accordance with law.

8. Registry is directed to attach a copy of the order passed by this Court in Writ Appeal No.607 of 2023 dated 21.06.2023, to this order.
No costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

Date : 20.07.2023

Note: Issue CC by 21.07.2023

B/o
KNR

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