

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.20833 OF 2023

ORDER:-

The present Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“... to issue an appropriate, similar orders passed by this Hon'ble Court in W.P.No.17735 of 2023, dated 19.07.2023, 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 22.09.2022 for fixing the tuition fee for Degree Course of the Petitioner Institution. Further, the respondent Nos.1 and 2 in not adding/listing the Petitioner Institution for allotment of the Students/admissions into Degree Course for the present Academic year through OAMDC being illegal, arbitrary, colorable exercise of power, and violation of Article 14 and 19 of the Constitution of India and violation of Andhra Pradesh Education Act and consequently directed the respondent No.3 to allow the Petitioner Institution to receive the processing fee for degree college course along with penalty fee as stipulated under the Circular, dated 22.09.2022 and fix the minimum fee for the block period 2023-2024 to 2025-2026 as per the orders of this Court in W.A.No.607 of 2023 and pass such other order or orders...”

2. When the matter is taken up for hearing, learned counsel for the petitioners submits that the issue involved in this writ petition is squarely covered by the order dated 19.07.2023 passed by this Court in Writ Petition No.17735 of 2023. The same is not disputed by learned Government Pleader for Education.

3. In view of the same, for the reasons alike in the aforesaid order, this Court, in the interest of justice, deems it appropriate to dispose of the writ petition 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 Government 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-Commission after due processing of the data submitted by the petitioner.
- iii. After receiving the request from the 3rd Respondent Commission, the 1st Respondent shall display the petitioner-college in the list of colleges at official website for participating in the counselling 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-college, 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 3rd Respondent-Commission.
- v. The 3rd Respondent-Commission may also consider early fixation of the final fee that can be collected by the petitioner-college for the block period 2023-24 to 2025-26.

4. Accordingly, with the above direction, the writ petition is disposed of, at the stage of admission, with the consent of both the parties. There shall be no order as to costs.

5 As, a sequel thereto, interlocutory applications pending, if any in the writ petition, shall also stand closed.

6. The Registry is directed to enclose a copy of the order in W.P.No.17735 of 2023, dated 19.07.2023 to this order.

JUSTICE VENKATESWARLU NIMMAGADDA

14th August, 2023

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