



**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**WEDNESDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 20878 OF 2023**

Between:

1. Swarnandhra College of Engineering and Technology, Rep by its Vice Chairman Sri. Kirti Kumar Satrasala Seetharampuram, Narasapur, Andhra Pradesh.
2. A.M. Reddy Memorial College of Engineering and Technology, Rep by its Correspondent Smt. Atluri Santhi Petlurivaripalem, Narasaraopet, Guntur District, Andhra Pradesh, 522601
3. Sri Sunflower College of Engineering and Technology, Rep by its Correspondent Sri. Mahali DVSR Punnam Raju Lankapalli, Gantasala Mandal, Krishna District, Andhra Pradesh.
4. Nova College of Engineering and Technology, Rep by its Correspondent Sri M Krishna Rao Jupudi Village, Ibrahimpatnam. Krishna District, Andhra Pradesh.
5. Nova College of Engineering and Technology, Rep by its Correspondent Sri M Krishna Rao Jangareddygudem, Eluru District, Andhra Pradesh.
6. Golden Vally Integrated Campus, Rep by its Correspondent Sri. N. Venkataramana Reddy Kurabalakota, Chittoor District, Andhra Pradesh - 517326.

AND

Petitioners

1. The State of Andhra Pradesh, rep by its Principal Secretary, Higher Education Department Secretariat, Tullur, Velagapudi, Guntur District Andhra Pradesh.
2. The Andhra Pradesh Higher Education Regulatory and , Monitoring Commission, Rep by its Member-Secretary 3rd Floor, Sree Mahendra Enclave, NRI Block (C-Block). NH-16, Tadepalli, Guntur District - 522501.
3. Jawaharlal Nehru Technological University, Rep by its Registrar Pithapuram Road Kakinada-533001 Andhra Pradesh
4. Jawaharlal Nehru Technological University, Rep by its Registrar Sir MokshagundamVishveshwariah Road, Ananthapuramu, Andhra Pradesh - 515002

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ more in the nature of Writ of Mandamus declaring the action of the Respondents more particularly the 1st Respondent Government including several components along with tuition fee while notifying the Tuition Fee at Clause (a) of the G.O.Ms. No. 41, (Higher Education) Department, dated 06-08-2023, based on the recommendations of the 2nd Respondent Commission insofar as determination of the fee which is beyond its jurisdiction, notified by the 1st Respondent Government as being arbitrary, illegal and violative of Articles 14 and 19 (1) (g) of the Constitution of India besides being in contravention of the Andhra

Pradesh Higher Education Regulation and Monitoring Commission Act 2019 and consequently set aside the same.

IA NO: 1 OF 2023:

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend clause (a) of G.O.Ms. No. 41, (Higher Education) Department, dated 06 08 2023 to the extent of the Petitioner institutions, Pending disposal of WP 20878 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI VIJAY MATHUKUMILLI Advocate for the Petitioners and of GP FOR HIGHER EDUCATION for the Respondent No.1 and of SRI C.SUDESH ANAND, Standing Counsel for the Respondent no.2 and of SRI I.MADHU BABU, Standing counsel for the Respondent Nos.3 to 4, the Court made the following

ORDER:

“Heard the learned counsel for the petitioner and the learned Government Pleader and the learned Standing Counsel for the respondents.

Considering the submissions, there shall be an interim direction any fees charged by the respondent authorities towards the petitioner pursuant to G.O.Ms.No.41, (Higher Education) Department dated 06.08.2023 is subject to the outcome of the Writ Petition.

At request of the learned Government Pleader and the learned Standing Counsel for the respondents for getting instructions and for filing counter, list the matter on 05.09.2023.”

**Sd/- SK.MOHAMMED RAFI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

- 1. The Principal Secretary, Higher Education Department, State of Andhra Pradesh, Secretariat, Tullur, Velagapudi, Guntur District Andhra Pradesh.**
- 2. The Member-Secretary, Andhra Pradesh Higher Education Regulatory and Monitoring Commission, 3rd Floor, Sree Mahendra Enclave, NRI Block (C-Block). NH-16, Tadepalli, Guntur District - 522501.**
- 3. The Registrar, Jawaharlal Nehru Technological University, Pithapuram Road Kakinada-533001 Andhra Pradesh**
- 4. The Registrar, Jawaharlal Nehru Technological University, Sir Mokshagundam Vishveshwariah Road, Ananthapuramu, Andhra Pradesh - 515002. (Addresses 1 to 4 by RPAD)**

5. One CC to SRI. SRI VIJAY MATHUKUMILLI Advocate [OPUC]
6. Two CCs to GP FOR HIGHER EDUCATION, High Court Of Andhra Pradesh. [OUT]
7. One CC to SRI C.SUDESH ANAND, Standing Counsel. [OPUC]
8. One CC to SRI I.MADHU BABU, Standing counsel. [OPUC]
9. **One spare copy**

ER

HIGH COURT

NVJ

DATED:16/08/2023

LIST THE MATTER ON 05.09.2023

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ORDER

WP.No.20878 of 2023

DIRECTION

