



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

**TUESDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 4193 OF 2023**

Between:

St Thomas College of Education, Rep by its Correspondent Sri. Muttamsetty Krishna Rao Bypass Road, Tiruvuru Mandal Tiruvuru, Krishna District Andhra Pradesh-521235.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary to Government Higher Education Department, Tulluru, Secretariat Buildings Velagapudi, Krishna District
2. The Andhra Pradesh, State Council for Higher Education Government of Andhra Pradesh Rep by its Secretary Neeladri Towers, 6th Battalion Road Mangalagiri, Andhra Pradesh 522503
3. The Andhra Pradesh State Council for Higher Education, Government of Andhra Pradesh Rep by its Convener EDCET 2022 Neeladri Towers, 6th Battalion Road Mangalagiri, Andhra Pradesh 522503
4. The National Council for Teacher Education, Southern Regional Committee Rep by its Secretary G-7, Sector 10, Dwaraka New Delhi-110075
5. Krishna University, Rep by its Registrar Rudravaram, Machilipatnam Krishna District Andhra Pradesh-521004

...Respondents

Petition under Article 226 of the Constitution of India 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 5th Respondent in issuing show cause notice dated 28-02-2022 and consequential impugned proceedings issued by the 5th Respondent University vide No.KRU/ St.Thomas Col. of Edu Tiruvuru/ Zero Admission/Infor/2022-23, dated 24.01.2023 and further issuance of speaking orders dated 03-02-2023, whereby and whereunder, the Petitioner-Institution is kept under ZERO ADMISSION CATEGORY, thereby disabling it to take part in the EdCET-2022 counselling, scheduled to commence from 17.02.2023 simply by communicating through the orders of even date on which, the counselling was originally scheduled to start i.e. 25-01-2023, as being arbitrary, illegal, unwarranted and violative of Articles 14 and 19 of the Constitution of India and violative of the National Council for Teacher Education Act and the Andhra Pradesh Universities Act and the Rules framed there under and consequently suspend the impugned proceedings vide no. KRU/St.Thomas Col. Of Edu, Tiruvuru/Zero Admission/Infor/2022-23, dated 24.01.2023,

IA NO: 2 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 direct the Respondents to permit the Petitioner-Institution to take part in the ensuing EdCET-2022 web counseling (scheduled from 17.02.2023) by restoring its name in the EDCET 2022 counselling, Pending disposal of WP 4193 of 2023, on the file of the High Court.

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 the impugned proceedings vide no. KRU/St.Thomas Col. Of Edu, Tiruvuru/Zero Admission/Infor/2022-23, dated 24.01.2023 and consequential speaking orders, dated: 03-02-2023, Pending disposal of WP 4193 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. SRI VIJAY MATHUKUMILLI Advocate for the Petitioner, GP FOR HIGHER EDUCATION for the Respondent No.1, SRI. S. PARINEETHA, Standing Counsel for the Respondent Nos. 2 to 3, and of SRI V. HEMANTH KUMAR Standing Counsel for the Respondent No.4, SRI CH. SUDHAKAR, Advocate for the Respondent No.5, The Court made the following.

ORDER:

Heard learned counsel for the petitioner and learned standing counsel for the respondents.

Challenging the action of the respondents for not including the name of the petitioner in the revised web counseling schedule holding from 17.02.2023 to 23.02.2023, the present writ petition is filed.

Learned counsel for the petitioner submits that the petitioner was included in the list of approved colleges when the first notification was issued for conducting web counseling i.e. on 21.10.2022. As per the said notification, the web counseling should be commenced from 01.11.2022 to 03.11.2022 and the entire schedule should be completed by 07.11.2022. But, due to some reasons, the counseling, which was notified, was postponed and again it was notified on 25.01.2023 and which should be ended by 03.02.2023. But, the same was again postponed. He further submits that among many approved colleges which were not included in the list of counseling for second notification dated 25.01.2023 have challenged the action of the respondents for non inclusion in the list of approved colleges wherein this Court was pleased to direct the respondent authorities to include the name of the petitioner

therein for counseling and also directed the petitioners therein to comply the deficiencies noted by the concerned respondent authorities.

He further submits finally on 16.02.2023, this Court in W.P.No.3942 of 2023, after hearing the petitioners as well as the respondents, directed the respondents as under:

"...2. Learned Counsel for the Writ Petitioner has drawn the attention of the court to an Interim Order passed by this Court dated 25.01.2023, and Order dated 14.02.2023, and submits that this Court has given direction to the EdCET-2022 Convener to include the names of the Writ Petitioners therein in the list for participating in the Counseling which is Scheduled to take place on 16.02.2023. Learned Counsel for the Writ Petitioner also submitted that the Scheduled date for commencing the Counseling, as submitted by Respondent No.3 herein, is not being adhere to, and the said Respondent intends to fix another date for commencing the first phase of Counseling. This Court enquired with Smt.S.Parineeta, Learned Counsel appearing for Respondent No.3 to verify whether the Counseling has commenced today i.e., scheduled date fixed for the first phase of Counseling. The learned counsel has submitted, on instructions, that the first phase of Counseling is not starting today and that the Respondent No.3 intends to fix another date.

3. In this view of the matter, the directions given in the Order dated 14.02.2023 shall, ipso facto and mutatis mutandis, apply to the present Writ Petitioners also and additionally to the effect that the date of first phase of Counseling will be re-scheduled by Respondent No.3. Needless to state that when the date for Online Counseling is re-scheduled, the Competent Authority will issue Public Notice for the information of all the Stakeholders...

"He further submits that even though this Court specifically directed the respondent authorities to issue a public notice for information to all the stakeholders before commencing the counseling schedule but the respondents not issued any public notice to that effect. He further submits that even though in first occasion a public notification was issued, but later in two occasions the respondent authorities not issued any public notification to give information to all the stakeholders contrary to the orders of this Court.

He further submits that in the absence of the public notification, the petitioners and other stakeholders did not know about the exclusion of the name of the petitioner from the approved list and counseling was already been commenced from 17.02.2023 to 23.02.2023, contrary to the statement of the learned standing counsel Smt. S. Parineeta, before this Court on 16.02.2023.

On the other hand, Smt. S. Parineeta the learned standing counsel for the 2nd and 3rd respondents submits that the petitioners can be allowed for second phase of counseling, since the first counseling already had been commenced and to be completed by 23.02.2023. She further submits that inclusion of the petitioners for this counseling is not possible in the absence of information from the respective universities regarding affiliation as well as intake of the petitioner institution. Therefore, inclusion of the petitioner's

colleges in the first counseling is not possible. Hence, they can be allowed for the second counseling only but conveniently she did not make any point regarding her statement on 16.02.2023.

On the other hand, the learned standing counsel for 5th respondent university specifically submits that if this Court directs, University authorities can issue necessary proceedings regarding the required information of the petitioner for this counseling to the 2nd and 3rd respondents.

Having regarding to the submissions made by the learned counsel for the petitioners and learned standing counsel for the respondents, there shall be an interim direction to all the respondents, if the petitioners are eligible and their names were already included in the approved list of colleges for counseling which were finalized before the issuance of first counseling notification dated 21.10.2022 and the 5th respondent shall forward all the information regarding the petitioner by tomorrow on or before 2.00 pm. Thereafter, the 2nd and 3rd respondents herein shall consider the same and include the names of the petitioners in the list of approved colleges for this first phase of counseling and complete the entire exercise by tomorrow itself, if the entire exercise is not completed on or before 22.02.2023, the respondents are directed to modify the schedule and extend the time i.e. one or two days for options in web counseling. Moreover, the learned standing counsels for all the respondent universities specifically directed to inform the same to the concerned authorities and forward the information to the 2nd and 3rd respondents and the learned standing counsel for the 2nd and 3rd respondents specifically directed to inform the same, whenever they received information regarding the petitioner's college by the respondent universities, they should complete the entire exercise as required regarding petitioner's college for counseling by tomorrow itself.

In view of what is stated herein above, this Court deems it appropriate to issue the following directions also:

i) This exercise of including and displaying the name of Writ Petitioner to enable it to participate in the EdCET-2022 counseling as per the schedule dates shall be done by tomorrow itself.

ii) Writ Petitioner's College is also directed to comply with the deficiencies pointed by the Respondent No.5, if any, within a period of one month from today.

Post the matter on 27.02.2023.

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR



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SECTION OFFICER

To,

1. The Principal Secretary to Government, Higher Education Department, Tulluru, Secretariat Buildings Velagapudi, Krishna District
2. The Secretary, Andhra Pradesh State Council for Higher Education Government of Andhra Pradesh, Neeladri Towers, 6th Battalian Road Mangalagiri, Andhra Pradesh 522503
3. The Convenor, Andhra Pradesh State Council for Higher Education, Government of Andhra Pradesh, EDCET 2022 Neeladri Towers, 6th Battalian Road Mangalagiri, Andhra Pradesh 522503
4. The Secretary, National Council for Teacher Education, Southern Regional Committee, G-7, Sector 10, Dwaraka New Delhi-110075 (by RPAD)
5. The Registrar, Krishna University, Rudravaram, Machilipatnam Krishna District Andhra pradesh-521004 (**Addressees 1 to 5 by speed post**)
6. One CC to SRI. SRI VIJAY MATHUKUMILLI Advocate [OPUC]
7. One CC to SMT. S. PARINEETHA, Standing Counsel [OPUC]
8. One CC to SRI V.HEMANTH KUMAR, Standing Counsel [OPUC]
9. One CC to SRI CH. SUDHAKAR, Standing Counsel [OPUC]
10. Two CCs to GP FOR HIGHER EDUCATION ,High Court of Andhra Pradesh. [OUT]
11. One spare copy

PSR

HIGH COURT

NV,J

DATED:21/02/2023

NOTE: POST THE MATTER ON 27.02.2023

ORDER

WP.No.4193 of 2023

DIRECTION

