

**THE HON'BLE SRI JUSTICE K.SURESH REDDY**

**WRIT PETITION No. 22601 OF 2020**

**ORDER:**

This writ petition is filed for the following substantive relief:

*"For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No. YVU-NDC-1501/APSCH/AC/NDC-2015-16 dated 27-06-2015 of the 3<sup>rd</sup> respondent in granting permission for Sree Venkateswara Degree College, 7-306-1, Mallepalle Road, Somireddy Palli Village, Brahmamgari Mattam Mandal, YSR Kadapa District, and proceedings in Center No. 12318 of Sree Venkateswara Junior College, 7/306-1, Opp: SBI, Somireddy Palli Village, YSR Kadapa District, of the 4<sup>th</sup> respondent, as both are running at APSRTC Vijayawada, Viswabrahmana Annadana Choultry, Door No. 6/149, Opp: SBI, Somireddy Palli, Somireddy Palli Village, Brahmamgari Mattam Mandal, YSR Kadapa District, Andhra Pradesh, as illegal, arbitrary and contrary to the Education Act and consequently set aside the permissions granted in favour of 7<sup>th</sup> respondent in the name of Sree Venkateswara Degree College and Junior College, and to pass such other orders as this Hon'ble Court may deem fit and proper in the interest of justice.*

2. Heard both learned counsel.
3. Though the present writ petition is filed questioning the permission granted to Sree Venkateswara Degree College as well as Sree Venkateswara Junior College, learned counsel for the petitioner has confined his argument only with regard to Sree Venkateswara Junior College and the petitioner has no grievance so far as Sree Venkateswara Degree College is concerned.
4. Learned counsel for the petitioner has strenuously argued that respondent No. 4 ought not to have granted permission to respondent No. 7. Sri M.Sri Vijay, learned counsel for respondent No. 7, on the other hand, vehemently opposed stating that the petitioner has no *locus standi* to file the present writ petition.
5. Be that as it may, this Court is not going into the merits and demerits of the case except going through the contents of counter affidavit filed by respondent No. 4. The relevant paragraphs of the counter affidavit filed by respondent No. 4 are extracted hereunder:

*"6. It is respectfully submitted that the Board of Intermediate Education has issued only Formal Acceptance with the conditions mentioned above. Until and unless the*

*7<sup>th</sup> respondent fulfils those conditions scrupulously the BIE i.e., the 4<sup>th</sup> respondent herein do not grant any further approvals or permissions i.e. Letter of Intent and Provisional Permission and Provisional Affiliation without which the 7<sup>th</sup> respondent would not get access to take up student admissions. Therefore, as per the affidavit submitted by the petitioner herein stating that the BIE has granted permission for the 7<sup>th</sup> respondent to run the college is false. The petitioner has submitted wrong information to this Hon'ble High Court and approached with unclean hands. It clearly shows the intention of the petitioner is to ruin the Hon'ble Court time by false allegations.*

*7. It is respectfully submitted that at the time of issuing the Formal Acceptance with Conditions the BIE has received a complaint given by the petitioner dated 31-08-2020 and the 4<sup>th</sup> respondent has directed the Principal of Government Junior College, Porumamalla, YSR District to re-inspect the 7<sup>th</sup> respondent college and on 06-11-2020 re-inspection was conducted and the Principal has submitted a report stating that*

- i. In the proposed Junior College running a Degree College.*
- ii. The management has not submitted FDR (Fixed Deposit Receipt) of Rupees Four Lakhs towards corpus fund.*

iii. *The documents which submitted for the proposed Junior College is addressed is Door No. 7/306-1, but college is located at Door No. 6/149.*

iv. *The management failed to produce the required documents.*

8. *It is respectfully submitted that till date the 7<sup>th</sup> respondent has not fulfilled the conditions laid down in the proceedings Rc.No. NCAP000080/FA/YSR KADAPA/2020-21 dated 03-11-2020 issued by the 4<sup>th</sup> respondent. Therefore, the BIE did not grant permission to run the Junior College in the name of Sree Venkateswara Junior College under the management of 7<sup>th</sup> respondent. Hence, the allegation raised by the petitioner that the 4<sup>th</sup> respondent has granted permission to run the Junior College for the academic year 2020-21 is not tenable. It is further submitted that unless the conditions laid down in the proceedings Rc.No. NCAP000080/FA/YSR KADAPA/2020-21 dated 03-11-2020 issued by the 4<sup>th</sup> respondent the BIE are completely fulfilled, BIE will not grant permission to run the college to Sree Venkateswara Junior College under the management of 7<sup>th</sup> respondent."*

6. As seen from the above averments made by respondent No. 4 in his counter affidavit, no permission is granted to respondent No. 7 as on today.

7. In that view of the matter, recording the above stand taken by respondent No. 4 that no permission is granted to respondent No. 7, the writ petition is closed as no orders are required to be passed. Pending miscellaneous applications, if any, shall stand closed in consequence. No costs.

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***JUSTICE K.SURESH REDDY***

Date: 23-11-2022,  
JSK

**THE HON'BLE SRI JUSTICE K.SURESH REDDY**

**WRIT PETITION No. 22601 OF 2020**

**DATE: 23<sup>RD</sup> NOVEMBER, 2022**

JSK