

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

FRIDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE



PRESENT

**HONOURABLE MR. DHIRAJ SINGH THAKUR, CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE A. V. SESA SAI**

WRIT APPEAL NO: 813 OF 2023

Writ Appeal under clause 15 of the Letters Patent of Writ Appeal against judgement in W.P.No.18309 of 2023 dated 25.07.2023 passed by Learned Single Judge on the file of the High Court.

Between:

The Andhra Pradesh Higher Education Regulatory and Monitoring Commission, Government. of Andhra Pradesh, Rep by its Member Secretary and Chief Executive Officer, 3rd Floor, C-Block (NRI Block), Sree Mahindra Enclave, Tadepalli, Guntur District 522501, Andhra Pradesh

**...APPELLANT/RESPONDENT No.2 in WP
AND**

1. S B SYM Degree College,, Rep. by its President and Correspondent, Dr. Bala Siva Yogendra Maharaj, S/o. Late Thotarosaiah, Aged 74 years, Kasibugga, Srikakulam District.

...RESPONDENT/WP

2. The State of AP,, Rep. by its Special Chief Secretary, Higher Education Department, Secretariat, Tullur, Velagapudi, Guntur District.
3. The Andhra Pradesh State Council for Higher Education,, Government of Andhra Pradesh, Rep. by its Secretary, Niladri Towers, 6th Battalian Road, Mangalagiri, Guntur District, Andhra Pradesh-522503.

...RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of order dated 25.07.2023 in W.P.No.18309 of 2023, pending disposal of the Writ Appeal.

Counsel for the Appellant(s): SRI C SUDESH ANAND

Counsel for the Respondents: SRI G RAMA GOPAL

Counsel for the Respondents: SRI S.PAVINEETA, ADVOCATE

Counsel for the Respondents: GP FOR HIGHER EDUCATION

The Court made the following: ORDER

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

**HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE A. V. SESA SAI**

WRIT APPEAL No.813 of 2023

The Andhra Pradesh Higher Education Regulatory and Monitoring
Commission, Government of Andhra Pradesh,
Rep. by its Member Secretary and Chief Executive Officer,
3rd Floor, C-Block (NRI Block), Sree Mahindra Enclave,
Tadepalli, Guntur District – 522 501, Andhra Pradesh.

.. Appellant.

Versus

S. B. S. Y. M. Degree College,
Rep. by its President and Correspondent,
Dr. Bala Siva Yogendra Maharaj,
S/o.Late Thotarosaiah, Aged 74 years,
Kasibugga, Srikakulam District and two others.

...Respondents.

Date : 11.08.2023

P.C.:-

1. The present Letters Patent Appeal has been preferred against the judgment and order, dated 25.07.2023, in W.P. No.18309 of 2023.
2. The appellant herein is Regulatory and Monitoring Authority, which determines the issue of fixation of fee of all private unaided professional and non-professional Degree Colleges in the State of Andhra Pradesh. It appears that notification had been issued by the Regulatory Authority, the appellant herein; fixing the time line within

which the colleges are to furnish the relevant data for the purpose of fixation of the fee which would be chargeable from the students at the time of admission. Respondent No.1/writ petitioner College, however, appears to have not responded within the time line prescribed and therefore, prevented from participation in the counselling process. Needless to say that the students are allotted the colleges of their choice in the process of counselling conducted by respondent No.3 i.e., The Andhra Pradesh State Council for Higher Education.

3. Having failed to provide the requisite data to the Fee Fixation Committee, the writ petitioner approached the writ Court which has, by virtue of the judgment and order impugned, disposed of the writ petition by directing the writ petitioner/respondent No.1 herein to furnish the data relating to the fixation of fee for the block period 2023-24 to 2025-26 within a period of one week. The Commission, however, has been granted liberty to tentatively fix a fee that can be collected from the college for the courses offered in the said college on par with the minimum fee that has been fixed in the colleges in the State. This fee has been directed to be treated as a tentative fee with liberty to the Commission to fix the appropriate slabs after due processing of the data so submitted by the college.

4. Learned counsel for the appellant urged that the directions issued by the writ Court in the aforementioned writ petition would have

a cascading effect inasmuch as out of 1010 colleges, there were atleast 30 colleges, which had not responded to the Circular issued by the Fee Fixation Committee and therefore, they have been approaching the writ Court and obtaining interim orders from time to time after the process of counselling had started. It was, thus, urged that the directions issued by the writ Court would have the effect of diluting the directions of a Division Bench of this Court rendered in W.P. No.16547 of 2010 reported in 2012 (3) ALT 686 (DB).

5. We have heard the learned counsel for the appellant. We are of the opinion that as at present and in the present case, we do not find any cause for staying the operation of the judgment and order impugned passed by the writ Court. It is not denied by the learned counsel for the parties before us that in case the fee is not permitted to be collected by the colleges, the functioning of the college, respondent No.1 herein, would be effected, thereby jeopardising the academic interests of the candidates, who are mid-way in the Degree Courses, which are undertaken by them.

6. We are told that pursuant to the directions issued by the learned single Judge, the relevant data has already been furnished to the Fee Fixation Committee. It is also not denied that the process of counselling is still on and therefore, the Committee would be at liberty to take a call on the issue of fee fixation of the petitioner College.

7. Be that as it may, the directions issued by the writ Court, which are impugned in the present appeal, in our opinion, does not affect entirely functioning of the Fee Fixation Committee nor do we feel it appropriate that the functioning of the College should be effected, which will have a result of jeopardising the academic interests of the students. In that view of the matter, we find no merit in the present appeal.

8. Accordingly, the Writ Appeal is dismissed. No costs. Pending miscellaneous applications, if any, shall stand closed.

**SD/- M. RAMESH BABU
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI C SUDESH ANAND Advocate [OPUC]
2. One CC to SRI G RAMA GOPAL Advocate [OPUC]
3. One CC to SRI S.PAVINEETA Advocate [OPUC]
4. Two CCs to GP FOR HIGHER EDUCATION, High Court of Andhra Pradesh[OUT]
5. Three CD Copies

GSR

NSH

GSR

HIGH COURT

DATED:11/08/2023

ORDER

WA.No.813 of 2023



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DISMISSING OF THE WRIT APPEAL