HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
WEDNESDAY ,THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND EIGHTEEN
:PRESENT:
THE HON'BLE SRI RAMESH RANGANATHAN, THE ACTING CHIEF JUSTICE
AND
THE HONOURABLE MS JUSTICE J. UMA DEVI

I.A NO. No. 1 OF 2018
IN
WA NO: 859 OF 2018

Between:

1. M/s. Vasavi Academy of Education, (Society registered under the A.P. (Telangana Area) Public Societies Registration Act, 1350 F, 9-5-81, Ibrahim Bagh, Hyderbad-500031. (Represented by its Secretary M. Krishna Murthy, S/o. Sri M. Veerashalingam).
2. M/s. Vasavi College of Engineering, 9-5-81, Ibrahimbagh, Hyderabad -5000 31. (represented by its Secretary and Correspondent M. Krishna Murthy, S/o. Sri M. Veerashalingam).
3. P.V. Ratnam, S/o. Late P.Tataih, aged about 79 years, Member and Treasurer of Vasavi Academy of Education, R/o. B6-FI, Srinivasa Nilayam, Vijayanagar Colony, Hyderabad -500057.

...Petitioners
(Appellants in WA 859 OF 2018
on the file of High Court)

AND

1. The State of Telangana, Rep. by its Secretary, Department of Higher Education, Secretariat, Hyderabad.
2. The Telangana State Council of Higher Education, Rep. by its Secretary, 2nd Floor, JNTU, Masab Tank Campus, Mahavir Mark, Office at Mahavir Hospita, Hyderabad - 500 028.
3. The Convener, The Telangana Engineering, Agricultural and Medical Common Entrance Test, (TSEAMCET-2018 Admissions) Office of Telangana State Council for Higher Education 2nd Floor, JNTU, Masab Tank Campus, Mahavir Mark, Office at Mahavir Hospital, Hyderabad - 500 028.

...Respondents
(Respondents in-do-)

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 direct the Respondents to collect Rs.1,60,000/- from the students who opt admission in the 2nd Petitioner Institution for the Academic year 2018-19 pending disposal of the Writ Appeal and pass Pending disposal of WA No. 859 of 2018, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in Writ Appeal and upon hearing the arguments of M RAVINDRANATH REDDY, Advocate for the Petitioner, GP FOR Higher Education (TG) for the Respondent No.1 and of Sri A. Abhishek Reddy, Standing Counsel for Respondent Nos.2 & 3, the Court made the following

ORDER;

The appeal in WA No. 859 of 2018 is preferred, under clause 15 of the Letters Patent, by the petitioners in W.P.No. 19386 of 2018 aggrieved by the order passed by the learned Single Judge on 12.6.2018 dismissing the writ petition. The dispute, in the said writ petition, related to the fees payable, for the academic year 2018-19, by students allotted to the appellant-writ petitioners' college.

The fees to be charged each year by Engineering Colleges in the State has been fixed by the Fee Regulatory Committee for a block period of three years i.e. 2016-17, 2017-18 and 2018-19. For the academic year 2015-16, the Fee Regulatory Committee had fixed a fee of Rs.86,000/- which resulted in the writ jurisdiction of this Court being invoked by the appellant-writ petitioner, and the Fee Regulatory Committee being asked to refix the fees in accordance with the observations made in the order of the learned Single Judge. The appeal, preferred thereagainst by the State Government, was admitted. However, no interim order was passed therein. As a result, the Fee Regulatory Committee re-determined and fixed the fees for the appellant-writ petitioner college as Rs.97,000/- for the academic year 2017-18. Aggrieved thereby, the appellant-writ petitioner invoked the jurisdiction of this Court, and a learned Single Judge fixed the fee at Rs.1,60,000/-. Aggrieved thereby, the State of Telangana and the Fee Regulatory Authority preferred an appeal, and a Division Bench of this Court, by its order in WAMP No. 1554 of 2017 in WA No. 798 of 2017 dated 27.6.2017, observed,

> ".....Earlier a learned Single Judge of this Court had, by his order in WP Nos. 21229 of 2013 dated 18.6.2015, accepted the expenditure incurred by the petitioner, and had directed the TAFRC to fix the fee structure accordingly. This, according to the learned counsel for the respondent-writ petitioner, would result in their being entitled to collect fees of Rs.1,40,000/. This order of the learned Single Judge continues to remain in force, as no appeal has been preferred thereagainst till date. As the learned Single Judge has, in the order under appeal, prescribed the annual fees at Rs.1,60,000/, the difference per student would, approximately, be Rs.20,000/- per annum.
>
> We consider it appropriate, therefore, pending disposal of the writ appeal, to permit the respondents-writ petitioners to collect fees of Rs.1,60,000/- from each student on condition that, within ten days of receipt of the fees from each of the students concerned, they shall furnish bank guarantees in favour of the Registrar (Judicial), High Court of Judicature at Hyderabad for the State of Telangana and for the State of Andhra Pradesh for the differential amount of Rs.20,000/- per student."

Aggrieved thereby, the State of Telangana carried the matter in appeal to the Supreme Court in SLP (c) No. 27772 of 2017, and the Supreme Court, by its order dated 6.11.2017, requested this Court to dispose of W.A.Nos. 798 of 2017 and W.A.No. 801 of 2017 by the end of December, 2017, and go slow with the contempt petition.

As a result of the aforesaid order, passed by a Division Bench of this Court, the appellants herein were permitted to collect Rs.1,60,000/- as fee on condition that they furnished a bank guarantee, for Rs.20,000/- for each student, in favour of

the Registrar (Judicial) of this Court within ten days from the date of receipt of such fees from the students. The appellants were directed to keep the bank guarantee alive during the pendency of the appeal which, Sri M. Ravindranath Reddy, learned counsel for the appellant-writ petitioner, states that they are regularly complying.

While the order, passed in WAMP No. 1554 of 2017 in WA No. 798 of 2017 dated 27.6.2017, relates to the academic year 2017-18, which falls within the three year block period 2016-17 to 2018-19, the dispute in the present case, which relates to the academic year 2018-19, also falls within the same block period of three years i.e., 2016-17 to 2018-19.

While Sri M. Ravindranath Reddy, learned counsel for the appellants, would submit that the Government, in compliance with the order of this Court, ought to have issued a notification fixing the fee as Rs.1,60,000/-, Sri A. Abhishek Reddy, learned Standing Counsel for respondents 2 and 3, would submit that a similar request was negatived by this Court, by its order in W.A.Nos. 1699 and 1702 of 2017 dated 13.11.2017.

The questions, whether fixation of fees, by the Fee Regulatory Committee, as Rs.97,000/- per annum is valid or whether the appellants are justified in contending that they are entitled to collect fees of Rs.1,60,000/- from each student, are required to be decided in W.A. No. 798 of 2017 which is pending on the file of this Court. The fact, however, remains that, in the light of the interim orders passed in WAMP No. 1554 of 2017 in W.A. No. 798 of 2017 dated 27.6.2017, (as afore-extracted), the appellants are entitled, during the pendency of the Writ Appeal before this Court, to charge Rs.1,60,000/- as fees on furnishing a bank guarantee of Rs.20,000/- for each student.

The difficulty which the appellants face, for the current academic year 2018-19, is that the Convenor, while fixing the fee in terms of the notification issued earlier by the Government, i.e. of Rs.97,000/-, has merely indicated that, in terms of the order of the High Court, the appellant-writ petitioners were entitled to collect Rs.1,60,000/-. It is not in dispute that, for Convenor seats, fees are collected by the Convenor, and not the college. Consequently, only Rs.97,000/- is paid as fees by a student to the Convenor. On these students approaching the appellant-writ petitioner college with the allotment letter, they would be shocked to learn that they are required to pay an additional sum of Rs.63,000/- in terms of the order of a Division Bench of this Court.

We must ensure that Students are not made to suffer, in the interregnum, till the Writ Appeals are finally heard and decided. Some of them, on coming to know that they are liable to pay fees of Rs.1,60,000/- per annum, may not even opt to join the appellant-writ petitioner college. We consider it appropriate, therefore, to direct the Convenor to intimate in writing each student, before he is allotted to the appellant-writ petitioner college, that the fees he is liable to pay to the Convenor is Rs.97,000/-; and, in addition, he would be required to pay Rs.63,000/- to the appellant-writ petitoner's college in terms of the interim order passed by a Division Bench of this Court in WAMP No. 1554 of 2017 in WA No. 798 of 2017 dated 27.6.2017; and such payment of Rs.63,000/- would be subject to the result of W.A. No. 798 of 2017.

Needless to state that, in terms of this interim order, the appellants shall, on receipt of Rs.1,60,000/- as fees from each student i.e., Rs.97,000/- from the Convenor and Rs.63,000/- directly from the allotted student, furnish a bank guarantee for Rs.20,000/- for each student, in favour of the Registrar (Judicial) of this Court, in terms of the interim order passed in WAMP No. 1554 of 2017 in WA No. 798 of 2017 dated 27.6.2017.

SD/- CH. VENKATESHWAR
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. TheSecretary, Department of Higher Education, State of Telangana, Secretariat, Hyderabad.
2. The Secretary, Telangana State Council of Higher Education, , 2nd Floor, JNTU, Masab Tank Campus, Mahavir Mark, Office at Mahavir Hospita, Hyderabad - 500 028.
3. The Convener, The Telangana Engineering, Agricultural and Medical Common Entrance Test, (TSEAMCET-2018 Admissions) Office of Telangana State Council for Higher Education 2nd Floor, JNTU, Masab Tank Campus, Mahavir Mark, Office at Mahavir Hospital, Hyderabad - 500 028 **(1 to 3 by RPAD)+**
4. The Registrar (Judicial), High Court of Judicature at Hyderabad (**SPL MESSENGER)**
5. One CC to SRI. M RAVINDRANATH REDDY, Advocate [OPUC]
6. Two CCs to GP FOR HIGHER EDUCATION (TG) ,High Court Of Judicature at Hyderabad. [OUT]

6. One spare copy

TVR

HIGH COURT

HACJ & JUDJ

DATED:27/06/2018

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