

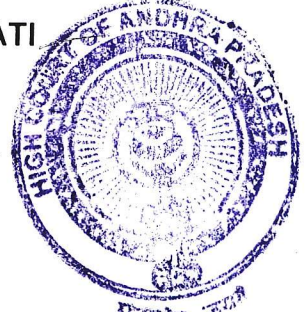
[3328]

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

MONDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION NO: 590 OF 2025



Between:

1. Andhra Pradesh Private Medical And Dental Colleges Managements Association, (Regd No. 115 of 2015) Rep by its General Secretary Smt. Ganni Kasimbi D. No. 60-1-2/2, Siddartha Nagar, Vijayawada Urban, Krishna District, Andhra Pradesh.
2. Sibar Institute of Dental Sciences, Rep by its Correspondent Sri. P. Krishna Mohan Sibar Dental College and Hospital, Takkellapadu, Guntur District, Andhra Pradesh - 522509.

Petitioners

AND

1. The State of Andhra Pradesh, Rep by its Special Chief Secretary Department of Health, Medical and Family Welfare Tulluru, Secretariat Buildings Velagapudi, Guntur District
2. The Andhra Pradesh Higher Education Regulatory & Monitoring Commission, Government of Andhra Pradesh Rep by its Member-Secretary 3rd Floor, Sree Mahendra Enclave, NRI Block (C-Block). NH-16, Tadepalli, Guntur District - 522501
3. Dr NTR University of Health Sciences, Rep by its Registrar Ring Near Siddhartha Medical College, Beside new Government General Hospital, Near Ramavarappadu, Vijayawada, Andhra Pradesh - 520008
4. The Dental Council of India, Rep by its Member-Secretary National Dental Commission Building, Plot No. 14, Sector-9, R.K. Puram, New Delhi - 110022

5. The Director of Medical Education, Government of Andhra Pradesh
Amaravathi, Hanumanpeta, Vijayawada Andhra Pradesh

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 clause 5(g) of the notification issued by the 1st Respondent vide G.O. Ms. No. 146 (Health Medical and Family Welfare (C1) Department), dated 05-11-2020 issued upon the recommendations of the 2nd Respondent Commission determining the stipend payable to the students on par with that of the Government run Government Dental Colleges without considering the income generated by the Petitioner-Institution which does not get any grant from the Government and trying to enforce the said G.O., and on the other hand without considering the payment of stipend as expenditure by the 2nd Respondent, Commission as being arbitrary, illegal and violative of Articles 14 and 19(1)(g) of the Constitution of India besides being against the principles of natural justice and offending the Rules framed by the Dental Council of India and consequently set aside the same.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the notification to the extent of clause 5(g) issued by the 1st Respondent through impugned GO vide G.O. Ms. No. 146 (Health Medical and Family Welfare (CI) Department), dated 05-11-2020 and further direct the Respondents 1, 2 and 5 to redetermine and notify the quantum of stipend to be paid to the students, Pending disposal of WP 590 of 2025, on the file of the High Court.

IA NO: 2 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the 2nd Respondent, Commission to

consider the stipend paid to the students as expenditure, while determining the fee structure to the Petitioner colleges, Pending disposal of WP 590 of 2025, 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 Petitioners, learned GP FOR HEALTH MEDICAL AND FAMILY WELFARE for the Respondent Nos.1&5, Sri VIVENKANANDA VIRUPAKSHA, Standing Counsel for the Respondent No.2 and of Ms. T.V. SRIDEVI, Standing Counsel for the Respondent No.3, the Court made the following

ORDER:

“Heard Sri N. Subba Rao, Ld. Senior Counsel appearing on behalf of Sri Sri Vijay Mathukumilli, Ld. Counsel for the Writ Petitioner, Sri Vivenkananda Virupaksha, Ld. Counsel for Respondent No.2 and Smt. T.V. Sridevi, Ld. Standing Counsel for the Respondent No.3.

2. Pleadings are completed.
3. List this matter on 24.06.2025 for Final Hearing.
4. Parties are directed to file Synopsis, chronological sequence of events along with Citations before the next date of hearing.
5. It is indicated that any stipend paid to any of the students shall be subject to the final outcome in these Writ Petitions.
6. Liberty to file Re-joinders in the meantime.”

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Chief Secretary Department of Health, Medical and Family Welfare Tulluru, Secretariat Buildings Velagapudi, Guntur District, State of Andhra Pradesh (BY SPECIAL MESSENGER)

2. The Member-Secretary, Andhra Pradesh Higher Education Regulatory & Monitoring Commission, Government of Andhra Pradesh, 3rd Floor, Sree Mahendra Enclave, NRI Block (C-Block). NH-16, Tadepalli, Guntur District - 522501
3. The Registrar, Dr NTR University of Health Sciences, Ring Near Siddhartha Medical College, Beside new Government General Hospital, Near Ramavarappadu, Vijayawada, Andhra Pradesh - 520008
4. The Member-Secretary, Dental Council of India, National Dental Commission Building, Plot No. 14, Sector-9, R.K. Puram, New Delhi - 110022
5. The Director of Medical Education, Government of Andhra Pradesh Amaravathi, Hanumanpeta, Vijayawada Andhra Pradesh (Addressee Nos.2 to 5 by RPAD)
6. One CC to SRI. SRI VIJAY MATHUKUMILLI Advocate [OPUC]
7. Two CCs to GP FOR MEDICAL HEALTH FW ,High Court Of Andhra Pradesh. [OUT]
8. One CC to SRI VIVEKANANDA VIRUPAKSHA, STANDING COUNSEL [OPUC]
9. One CC to M/s. T.V. SRIDEVI, STANDING COUNSEL [OPUC]
10. One spare copy

Kj

HIGH COURT

GRKP,J

DATED:28/04/2025

LIST THIS MATTER ON 24.06.2025 FOR FINAL HEARING

ORDER

WP.No.590 of 2025

DIRECTION

