APHC010082012026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3460]

TUESDAY,THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 4568/2026

Between:

1. SRI SRINIVASA COLLEGE OF EDUCATION, REP BY ITS CORRESPONDENT SRI. MADHUSUDHANA KALAYYAGARI CHINTALAPUDI, PONNURU, GUNTUR DISTRICT ANDHRA PRADESH - 522 124.

...PETITIONER

AND

1. THE STATE OF AP, REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT DEPARTMENT OF HIGHER EDUCATION, TULLURU, SECRETARIAT BUILDINGS VELAGAPUDI, GUNTUR DISTRICT.
2. THE ANDHRA PRADESH HIGHER EDUCATION REGULATORY AND 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. THE ANDHRA PRADESH STATE COUNCIL FOR HIGHER EDUCATION GOVERNMENT OF ANDHRA PRADESH, REP BY ITS SECRETARY 3RD, 4TH AND

5TH FLOORS, ATMAKURU (VILLAGE) MANGALAGIRI (MANDAL), GIUNTUR DISTRICT.

4. ACHARYA NAGARJUNA UNIVERSITY, REP BY ITS REGISTRAR NAMBURU, GUNTUR DISTRICT, ANDHRA PRADESH..

...RESPONDENT(S):

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 topleased to issue an appropriate writ more in the nature of Writ of Mandamus declaring the action of the 2nd Respondent, Regulatory Commission in not determining the fee structure for the block period 2025-26 for the various B.Ed courses being offered by the Petitioner-Institution on the ground that the Petitioner did not pay the processing fee and submitted the data as notified by the 2nd Respondent as being arbitrary, illegal and violative of Articles 14 and 19 of the Constitution of India and violative of A.P. Educational Institutions (Regulations of Admissions and Prohibition of Capitation Fee) Act 1983 and the Andhra Pradesh Higher Education Monitoring and Regulatory Commission Act and Rules, Regulations framed therein and consequently direct the 3rd and 4th Respondents to ratify the admissions made by the Petitioner institution for the academic year 2025-26 and issue such other writ or order or direction as deemed fit and proper in the circumstances of case.

IA NO: 1 OF 2026

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 pleased to direct the 1st and 2nd Respondents to determine the fee structure for the Petitioner- Institution for the block period 2025-26,

pending disposal of the Writ Petition, in the interest of justice and pas

IA NO: 2 OF 2026

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 pleased to direct the 3rd Respondent to enable the Petitioner to upload the admitted students' data to the extent of full intake as sanctioned by the Apex Body and the University, in the web portal, pending disposal of the Writ Petition in the interest of justice and pass

Counsel for the Petitioner:

1. SRI VIJAY MATHUKUMILLI

Counsel for the Respondent(S):

1. GP FOR HIGHER EDUCATION

The Court made the following:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.4568 OF 2026

O R D E R:

The present Writ Petition is filed questioning the inaction of Respondent No.2 i.e., the Fee Regulatory Commission, in not determining the fee structure for the period of 2025-2026 for the Bachelor of Education (for short, 'B.Ed.') course, as illegal and arbitrary.

2. The Petitioner is an educational institution offering B.Ed. course to the students. The Petitioner/College sought for shifting the premises from Sitaramanagar, Kolikuntla, Kurnool to Chintalapudi, Ponnuru, Guntur District and the NCTE had given permission for the same on 13.12.2025. Pursuant to the permission given by the NCTE, the Respondent No.4/Acharya Nagarjuna University (hereinafter referred to as 'the University') had sanctioned affiliation for the academic year 2025-2026 on 10.02.2026.

3. Prior to the permissions given by NCTE and the University, the Petitioner/College had submitted a representation to Respondent No.2 for determining the fees

for the academic year 2025-2026, as the same is not being considered, the present Writ Petition is filed.

4. Sri Vivekananda Virupaksha, learned Standing Counsel for Respondent No. 2 submits that the permission for shifting and University affiliation were given only on 13.12.2025 and 10.02.2026, respectively, and therefore, the representation of the Petitioner could not be considered.

5. It was further submitted that since the time of erstwhile Chairperson of Fee Regulatory Commission was completed, the Respondent No.3 is waiting for appointment of new Chairperson by the Government and upon appointment of new Chairperson; further action will be taken by Respondent No.2

6. Learned Assistant Government Pleader submits that the Government is examining the issue of appointment of Chairperson and a decision will be taken in due course.

7. Heard the respective counsel.

8. The Section 6 of the Andhra Pradesh Higher

Education Regulatory & Monitoring Commission (Act No. 20 of 2019) reads as under:-

> *"6.(1) In the event of the occurrence of a vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the State Government shall, appoint the Chairperson immediately in accordance with provision of this Act within 90 days.*
>
> *(2) When the Chairperson is unable to discharge his functions owing to absence, illness or any other cause, the Vice - Chairperson will discharge the functions of the Chairperson till the Chairperson assumes the charge of his duties."*

9. In the light of the above, the Respondent No.2 need not wait till the Chairperson is appointed by the Government and the Vice Chairperson can discharge the functions of Chairperson as per the above extracted provision.

10. Therefore, this Writ Petition is disposed of, with the following directions:-

(i) The Respondent No.2 shall examine the representation of the Petitioner and an appropriate decision would be taken thereon, as expeditiously as possible, preferably within a period of four (04) weeks.

(ii) There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

NYAPATHY VIJAY, J

Date: 17.02.2026
chs

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

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Dt. 17.02.2026

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