



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

TUESDAY, THE THIRD DAY OF MARCH ✓
TWO THOUSAND AND TWENTY SIX ✓

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY ✓
WRIT PETITION NO: 5890 OF 2026 ✓

Between:

M N K Educational Society, (Regd. No. 37/2007), NRI Institute of Technology, Rep. by its Secretary Correspondent Alapati Rajendra Prasad, Gundlapalem (V), Visadala Post, Medikondur Mandal, Guntur District - 522 438.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Higher Education Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The Andhra Pradesh Higher Education, Regulatory and Monitoring Commission, Rep by its Secretary, Sree Mahendra Enclave, NRI Block-522501.
3. The Director of Technical Education, Government of Andhra Pradesh D.No. 11-4-646, 5th Floor, BRKR Bhavan, Vijayawada.
4. Jawaharlal Nehru Technological University, Kakinada, Rep. by its Registrar, Kakinada - 533003, East Godavari District. ✓
5. The Registrar, Jawaharlal Nehru Technological University, Kakinada - 533003, East Godavari District. ✓

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly

one in the nature of Writ of Mandamus, declaring the action of the Respondent University in insisting upon payment of University Common Services Fee (UCS Fee) as a condition precedent and in rejecting the Petitioners application for issuance of No Objection Certificate (NOC) for AICTE approvals for the Academic Year 2026-27, vide the impugned Rejection Order bearing Lr. No. JNTUK/D-Affi/Rejection order dated 23.02.2026, as illegal, arbitrary, without jurisdiction, contrary to the statutory fee-regulation regime and violative of Articles 14, 19(1)(g) and 265 of the Constitution of India, and consequently set aside the impugned Rejection Order dated 23.02.2026 and direct the Respondent Nos. 4 and 5 to forthwith issue the No Objection Certificate (NOC) to the Petitioner in the prescribed format for submission to AICTE for the Academic Year 2026-27 without insisting upon payment of UCS Fee, within a time fixed by this Hon'ble Court. ✓

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the impugned Rejection Order bearing Lr. No. JNTUK/D-Affi/Rejection order dated 23.02.2026 and direct the Respondent Nos. 4 and 5 to forthwith issue No Objection Certificate (NOC) to the Petitioner Institution in the prescribed format required by AICTE for the Academic Year 2026-27, without insisting upon payment of the disputed University Common Services Fee (UCS Fee), Pending disposal of WP 5890 of 2026, 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 Karumanchi Indraneel Babu, Advocate for the Petitioner, GP for Higher Education Advocate for the Respondent Nos.1 & 2 and of Sri Ch S V Suraj, Standing Counsel for Respondent Nos.3 to 5 and the Court made the following

ORDER

This Writ Petition is filed questioning the action of the Respondent-University in insisting the Petitioner-Society to pay "University Common Services Fee (UCS)" as a condition precedent and in rejecting the Petitioner's application for issuing 'No Objection Certificate (NOC)', as illegal and arbitrary.

2. The Petitioner herein is an Educational Society under which Educational Institutions are being operated. The Petitioner submitted an application dated 23.01.2026 seeking NOC. As a pre-condition for issuance of NOC, the Respondents insisted for payment of UCS Fee payment. Hence, the present Writ Petition is filed.

3. The learned counsel for the Petitioner Sri Karumanchi Indraneel Babu would submit that as per the Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act, 2019, "fee" is defined as all charges, including tuition fees and development charges and the "University Common Services Fee" is not being contemplated under the said Rules.

4. The learned counsel for the Petitioner would further submit that similar fee was collected vide G.O.Ms.No.41 Higher Education (R.M) Department dated 06.08.2023, which was questioned before this Court in W.P.No.32909 of 2022 and batch and this Court after examining the Rules, disposed of the said Writ Petitions on 05.12.2023 in favour of Petitioners therein with certain directions and the Writ Appeals filed thereon i.e. W.A.Nos.182 of 2024 and batch were disposed of on 09.07.2025 confirming the Common Order dated 05.12.2023 passed in W.P.Nos.32909 of 2022 and batch.

5. The learned counsel for the Petitioner further submits that though the issue in the present Writ Petition was adjudicated in the previous Writ Petitions, the Respondent University is again insisting the Petitioner Society to pay UCS Fee, which cannot be sustained.

6. Sri D. Krishna, learned Standing Counsel for Respondent-University seeks time for filing Counter- Affidavit.

7. Heard the respective counsels.

8. The Division Bench of this Court while disposing of the W.A.Nos.182 of 2024 and batch on 09.07.2025 held at Paragraph No.36 of the Order as under;

“36. In our opinion, the fee structure has to be regulated and determined strictly in accordance with the rules and in particular Rule 8(4) of the Rules. We are also of the opinion that the interim directions issued by the learned single Judge on 12.10.2022, preventing the Commission from seeking information with regard to the various heads led to an incorrect assessment of the fee structure of the institutions. Since we have already held that the information which was sought for by the Commission in terms of Schedules 1 to 31 were all relevant and were required for a proper determination of the fee structure, the present set of cases are disposed of with the following directions:

While directions 23(a) and 23(b) of the impugned judgment and order are upheld, direction 23(c) is set aside. In regard to direction 23(d), it is ordered that the Commission shall determine the fee structure strictly in terms of the Rules and, in particular, Rule 8(4) of the Rules. Direction 23(d) shall, accordingly, stand modified to that extent. ✓

The writ petitioners shall, within two weeks from today, furnish all the material data as is otherwise envisaged to be provided in terms of the notification, dated 30.06.2022, in schedules 1 to 31. The Commission, after considering the data, shall tentatively determine the fee. The worksheets or copies thereof be furnished to the institutions, who may then be given an opportunity to make a representation in terms of Rule 8(3) of the Rules read with Regulation 5.5 of the Regulations and if any fee which is claimed under a particular head is disallowed, the Commission should record reasons for such a disallowance and communicate the same to the respective institutions. ✓

The fees fixed by the Government vide G.O.Ms.No.17, dated 07.07.2024, shall be considered to be tentative and shall be subject to a fee structure which is duly assessed, recommended and accepted by the Government. ✓

Pending miscellaneous applications, if any, shall stand closed. No costs."

9. In the light of the above directions, no further decision was taken by the Fee Monitoring Commission and in the absence of any decision by the Commission, the very insistence by the Respondent-University for payment of UCS Fee, *prima facie*, appears to be unsustainable.

10. Therefore, there shall be an interim direction as under;

(i) The Respondent-University shall not insist for payment of UCS Fee pending further orders.

Post on 31.03.2026.

//TRUE COPY//

**SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Higher Education Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The Secretary, Andhra Pradesh Higher Education, Regulatory and Monitoring Commission, Sree Mahendra Enclave, NRI Block-522501.
3. The Director of Technical Education, Government of Andhra Pradesh D.No. 11-4-646, 5th Floor, BRKR Bhavan, Vijayawada.
4. The Registrar, Jawaharlal Nehru Technological University, Kakinada, Kakinada - 533003, East Godavari District.
5. The Registrar, Jawaharlal Nehru Technological University, Kakinada - 533003, East Godavari District.(1 to 5 by RPAD)
6. One CC to Sri. Karumanchi Indraneel Babu, Advocate [OPUC]
7. Two CCs to GP for Higher Education, High Court Of Andhra Pradesh. [OUT]
8. One CC to Sri. Ch S V Suraj, Standing Counsel [OPUC]
9. **One spare copy**

HIGH COURT

VN,J

DATED:03/03/2026

POST ON 31.03.2026

ORDER

WP.No.5890 of 2026

INTERIM DIRECTION

