

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

[ 3328 ]

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JULY  
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 8733 OF 2023

Between:

1. TVK Karthik Hareen, S/o T V Balakrishna, Aged about 31 years, R/o 7-4-8, Sessa Sai street, Ramarao Peta, Kakinada, East Godavari, Andhra Pradesh-533004
2. Ameya Talpallikar, S/o Vijay kumar Talpallikar, Aged about 31 years, R/o 8-9-380, Devi Colony, Near Central Bus Stand, Bidar, Karnataka-585401

Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Medical Health and Family, Welfare Department, Secretariat, Velagapudi, Amaravati.
2. Andhra Pradesh Admission and Fee Regulatory Committee, Rep by its Member Secretary, Sree Mahendra Enclave, NRI Block Tadepalli Guntur District
3. Katuri Medical College and Hospital, Rep. by its DEAN, Chinnakondrupadu, Guntur-522019

Respondents

WHEREAS the Petitioners above named through their Advocate SRI.GHANTA SRIDHAR presented this 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 writ of mandamus declaring the action of the respondents in not refunding an amount of Rs.14,50,000/- which was collected in accordance with G.O.Ms.No.149, dated 06.09.2017 and not paying the stipend of Rs.18,58,316/- in spite of the directions given by the Andhra Pradesh Higher Education Regulatory and Monitoring Commission (APHERMC) as arbitrary, contrary and illegal consequently direct the respondents to refund an amount of Rs. 14,50,000/- and also, stipend Rs. 18,58,316/- with interest @ 24 % and award exemplary costs.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Ms.Sahithya Reddy, learned counsel appearing for SRI.GHANTA SRIDHAR Advocate for the Petitioners, Sri.M.Kondala Rao, Government Pleader for Respondent No.1 and of Sri Sudesh Anand, Learned Counsel for the Respondent No.2, directed issue of notice to the Respondent No.3 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

The DEAN, Katuri Medical College and Hospital, Chinnakondrupadu, Guntur-522019

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 14.07.2023, on which date the case stands posted for hearing.

**IA NO: 1 OF 2023**

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 3rd respondent to refund the amount of 14,50,000/- and stipend 18,58,316/- by considering their representation, dated 16-11-2022, pending disposal of W.P.No.8733 of 2023, on the file of the High Court.

**THE COURT MADE THE FOLLOWING ORDER:**

**Heard Ms.Sahithya Reddy, Learned Counsel appearing on behalf of Sri Ghanta Sridhar, Learned Counsel for the Writ Petitioners and Sri M.Kondala Rao, Learned Counsel for the Respondent No.1.**

**2. By Order dated 25.04.2023 this Court has issued Personal Notice to the Respondent No.3 and directed the Learned Counsel for the Writ Petitioners to send the Notice.**

**3. Learned Counsel for the Writ Petitioners has filed a Memo on 14.06.2023 in which it is stated that the Notice sent to the Respondent No.3 has been returned with an endorsement "refused".**

**4. Learned Counsel has also drawn the attention of this Court to the proof of postal endorsement which is filed along with the Memo. This Court has verified the same and noticed that, on 13.05.2023 the postal department has noted that "Item Returned Refused".**

**5. In this view of the matter, since the Respondent No.3 has refused to accept notice, it shall be treated as Deemed Notice and the Court can now proceed with the matter.**

**6. However, the Court having noticed that the Respondent No.3 is a Medical College and that the Writ Petition is filed by two Writ Petitioners,**

seeking refund of certain amounts, this Court directs the Registry to issue Notice to the Respondent No.3 forthwith.

7. Registry is directed to issue Notice to the Respondent No.3 and also print the name of Sri Sudesh Anand, Learned Counsel for the Respondent No.2 in the cause-list.

8. List the matter on 14.07.2023.

//TRUE COPY//

SD/- N.NAGAMMA  
ASSISTANT/REGISTRAR  
*N*  
For ASSISTANT REGISTRAR

To,

1. The Principal Secretary to Government, Medical Health and Family, Welfare Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati.
2. The Member Secretary, Andhra Pradesh Admission and Fee Regulatory Committee, Sree Mahendra Enclave, NRI Block Tadepalli Guntur District
3. The DEAN, Katuri Medical College and Hospital, Chinnakondrupadu, Guntur-522019 (1 to 3 by RPAD)
4. One CC to SRI.GHANTA SRIDHAR Advocate [OPUC]
5. Two CCs to GP FOR MEDICAL & HEALTH, High Court Of Andhra Pradesh. [OUT]
6. One CC to Sri.Sudesh Anand, Advocate (OPUC)
7. One spare copy

SRL

HIGH COURT

GRKPJ

DATED:07/07/2023

NOTE: LIST THE MATTER ON 14.07.2023

ORDER

WP.No.8733 of 2023

NOTICE BEFORE ADMISSION

DIRECTION

