

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF MAY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 9330 OF 2024



Between:

Geethanjali Institute of Science & Technology, Rep by its Correspondent
Sri.Narasambattu Sudhakar Reddy Bombay Highway, Gangavaram Village,
Kovur Mandal, SPSR Nellore Andhra Pradesh.

Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Higher Education Department Secretariat, Tullur, Velagapudi, Guntur District Andhra Pradesh.
2. Jawaharlal Nehru Technological University, Rep by its Registrar Sri Mokshagundam Vishveshwariah Road, Ananthapuramu, Andhra Pradesh -515002
3. Jawaharlal Nehru Technological University, Rep by its Vice Chancellor Sri Mokshagundam Vishveshwariah Road, Ananthapuramu, Andhra Pradesh - 515002
4. Jawarharlal Nehru Technological University, Rep by Director, Academic Audit, Sir Mokshagundam Vishveshwariah Road, Ananthapuramu, Andhra Pradesh - 515002
5. Jawarharlal Nehru Technological University, Rep by Additional Controller of Examination -3 Sir Mokshagundam Vishveshwariah Road, Ananthapuramu, Andhra Pradesh - 515002

6. The Andhra Pradesh Higher Education Regulatory And Monitoring Commission, Rep by its Member-Secretary 3rd Floor, Sree Mahendra Enclave, NRI Block (C-Block). NH-16, Tadepalli, Guntur District - 5225

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 more in the nature of Writ of Mandamus declaring the action of the Respondents more particularly the 4th Respondent Academic Audit JNTU in issuing the impugned e-mail dated 07-02-2024 and consequential e-mail issued by the 5th Respondent dated 04-04-2024 whereby whereunder, the Authorities have called upon the Petitioner-Institution to remit the University Common Services Fee (UCS, for short) for the academic years 2021-22, 2022-23 and 2023-24 without specifying the quantum as per GO Ms No.48 (Higher Education Department), Dated 23-12-2020 and GO Ms No. 41 (Higher Education Department), Dated 06-08-2023 or the rationale behind such levy as being not only arbitrary, illegal and violative of Articles 14 and 19 (1) (g) of the Constitution of India but also beyond the competence of the 4th and 5th Respondents and in contrary to the orders of this Honourable Court in WP No. 20878 of 2023 and Batch, Dated 05-12-2023 consequently direct the Respondents 2 and 3 to remit back the amount paid under UCS head to a tune of Rs. 53,25,591/- (Rupees Fifty-Three Lakhs Twenty-Five Thousand Five Hundred Ninety-One) from the academic year 2020-21 and issue such other writ or order or direction.

IA NO: 1 OF 2024

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 may be pleased to issue an appropriate writ more in the nature of Writ

of Mandamus declaring the action of the Respondents more particularly the 4th Respondent Academic Audit JNTU in issuing the impugned e-mail dated 07-02-2024 and consequential e-mail issued by the 5th Respondent dated 04-04-2024 whereby whereunder, the Authorities have called upon the Petitioner-Institution to remit the University Common Services Fee (UCS, for short) for the academic years 2021-22, 2022-23 and 2023-24 without specifying the quantum as per GO.Ms.No.48 (Higher Education Department), Dated 23-12-2020 and GO.Ms.No.41 (Higher Education Department), Dated 06-08-2023 or the rationale behind such levy as being not only arbitrary, illegal and violative of Articles 14 and 19 (1) (g) of the Constitution of India but also beyond the competence of the 4th and 5th Respondents and in contrary to the orders of this Honourable Court in WP No. 20878 of 2023 and Batch, Dated 05-12-2023 consequently direct the Respondents 2 and 3 to remit back the amount paid under UCS head to a tune of Rs. 53,25,591/- (Rupees Fifty-Three Lakhs Twenty-Five Thousand Five Hundred Ninety-One) from the academic year 2020-21, pending disposal of WP 9330 of 2024, 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 Petitioner, GP for Higher Education for Respondent No.1, Sri.Penjuri Venu Gopal, Standing Counsel for Respondent Nos.2 to 5 and Sri.C.Sudesh Anand, Standing Counsel for Respondent No.6, the Court made the following.

ORDER:

Heard.

Considering the submissions and on perusal of the material on record, this Court is of prima-facie opinion that there shall be an

interim direction directing the respondents to issue 'No Objection Certificate' to the petitioner institution without insisting for University Common Service Fee.

Post the matter summer vacation 2024, for hearing.

SD/- S.SRINIVASA PRASAD
ASSISTANT REGISTRAR

//TRUE COPY

SECTION OFFICER

To,

1. The Principal Secretary, Higher Education Department, State of Andhra Pradesh, Secretariat, Tullur, Velagapudi, Guntur District Andhra Pradesh.
2. The Registrar, Jawaharlal Nehru Technological University, Sri Mokshagundam Vishveshwariah Road, Ananthapuramu, Andhra Pradesh -515002
3. The Vice Chancellor, Jawaharlal Nehru Technological University, Sri Mokshagundam Vishveshwariah Road, Ananthapuramu, Andhra Pradesh - 515002
4. The Director, Jawarharlal Nehru Technological University, Academic Audit Sir Mokshagundam Vishveshwariah Road, Ananthapuramu, Andhra Pradesh - 515002
5. The Additional Controller of Examination -3, Jawarharlal Nehru Technological University, Sir Mokshagundam Vishveshwariah Road, Ananthapuramu, Andhra Pradesh - 515002
6. The Member-Secretary, Andhra Pradesh Higher Education Regulatory And Monitoring Commission, 3rd Floor, Sree Mahendra

Enclave, NRI Block (C-Block). NH-16, Tadepalli, Guntur District -
5225 (1 to 6 by RPAD)

7. One CC to SRI.SRI VIJAY MATHUKUMILLI Advocate [OPUC]
8. Two CCs to GP FOR HIGHER EDUCATION, High Court of Andhra Pradesh. [OUT]
9. One CC to Sri.C.Sudesh Anand, Standing Counsel (OPUC)
10. One CC to Sri.Penjuri Venu Gopal, Standing Counsel (OPUC)
11. **One spare copy**

SRL

HIGH COURT

VS,J

DATED:10/05/2024

NOTE: POST THE MATTER AFTER SUMMER VACATION 2024.

ORDER

WP.No.9330 of 2024

INTERIM DIRECTION

