



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

**FRIDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 22903 OF 2023**

Between:

1. Sri Sai Priyadarshini Educational Society, Doddavarapadu village, Maddipadu Mandal, Prakasam district, Represented by its Secretary and Correspondent, Buchi Koti Reddy, S/o.Obul Reddy, Aged about 76 years, R/o Ongole, Prakasam District
2. BA and KR MCA and MBA College (8R),, Doddavarapadu, Ongole, Prakasam District, Rep. by its Secretary and Correspondent, Buchi Koti Reddy S/o.Obul Reddy, Aged about 76 e R/o. Ongole, Prakasam District

Petitioner

AND

1. The State of AP, Department of Higher Education, Secretariat, Velagapudi, Amaravathi, Guntur District, Rep. by its Principal Secretary.
2. Jawaharlal Nehru Technological University, Kakinada, Kakinada-533003, Andhra Pradesh Rep. by its Registrar.
3. The Convener ICET 2023, Sri Krishna Devaraya University, Anantapur, Ananthapuramu 515002 Anantapur District, Andhra Pradesh.
4. The A.P.State Council of Hider Education,, Rep., by its Secretary, Mangalagiri, Guntur District.

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, Order or direction more in the nature of mandamus declaring the action on the part of the respondent No..2 in placing the petitioners College under Zero Admission category through the Show Cause Notice, in Lr.No.JNTUK/DAA/Affiliation/Defeciencies/CC-8R/2023-24, dated 21-07-2023 with a predetermined mind without even waiting for the reply notice as well as fulfilment of defencies and without considering the reply, dated 22-07-2023 which was submitted by the petitioner with all the required documents and proofs and not confirming/sending / permitting the 2nd Petitioner institutions to the Admission Counseling for the academic year 2023-24, for all the approved and affiliated courses, which includes in ICET 2023, counseling commencing from 06-09-2023 for no fault of the Petitioners herein, as being illegal, arbitrary. and violative of Articles 14, 19(1)(g), 21 and 30(1) of the Constitution of India and consequently set aside the same and direct the Respondent No. 2 and 4 herein to forward the names of the 2nd Petitioner college/institution to the counseling authority ie., the 3rd Respondent herein and include the names of the Petitioner college in the counseling for ICET 2023 for admissions for Academic year 2023-24 so as to enable the Petitioner No. 2 college to take up admissions for academic year 2023-2024 .

IA NO: 1 OF 2023

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 to direct the 1st , 2nd Respondent and 4th respondent to immediately forward the names of

the 2nd Petitioner college to the 3rd respondent so as to complete the formalities of permissions and include the names of the 2nd petitioner college in the list of colleges for counselling for AP ICET 2023 for the academic year 2023-24, on or before 04.09.2023, for which admission counselling commencing from 06- 09-2023, without reference to the deficiencies pointed out in Show Cause Notice Lr.No.JNTUK/DAA/Affiliation/Deficiencies/CC-9N/2023-24, dated 21-07-2023 issued by the respondent No.2, Pending disposal of WP 22903 of 2023, 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 P V N KIRAN KUMAR Advocate for the Petitioner and of GP FOR HIGHER EDUCATION for the Respondent No.1, Sri MADHU BABU, Standing Counsel for Respondent No.2, Smt. S PARINEETA, Standing Counsel for Respondent No.4, Sri KARRI SAMBAIAH, Standing Counsel for Respondent No.3, the Court made the following
ORDER

“Learned counsel for the petitioners would submit that issuance of impugned show cause notice prior to commencing of counselling is nothing but disabling the petitioners institutions to defend themselves, as such, it is against principles of natural justice. Furthermore, learned counsel would submit that the respondent University did not consider the reply submitted by the petitioners and straight away placed the petitioners/colleges under zero admission category.

On the other hand, the learned Government Pleader has refuted the contentions made by the learned counsel for the petitioners. He would submit that the petitioners institutions has failed to fulfill the conditions prescribed in the permission / recognition / affiliation accorded to that institutions. Even after the institutions were provided with an opportunity to rectify the defects and afforded reasonable opportunity and time, the said institutions were not complied with. As such, the show cause notice issued by the university is in consonance with the rules of the University and warrants no interference of this Court.

Heard learned counsel for the petitioners and learned Government Pleader for Higher Education for respondents.

Upon perusal of the record, it appears that a *prima facie* case is made out in favour of the petitioners institutions. Issuing show cause notice before commencing the counselling schedule is nothing but creating panic among the petitioners/institutions, thereby, disabling them to take any recourse. Moreover, the University even did not consider the reply submitted by the petitioners.

Hence, there shall be an interim suspension of the impugned show cause notice dated 21.07.2023, until further orders.

Further, Respondent Nos.1 to 3 are directed to enlist/include the petitioners/colleges in the list of colleges for counselling for the academic year 2023-2024 on par with colleges mentioned in G.O.Ms.No.22, Higher Education (R.M.) Department, dated 12.07.2023, as per the schedule prescribed, pending further orders.

Learned Government Pleader seeks time for filing counter-affidavit.

List the matter after four (04) weeks."

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For A

Sd/- M. SURYANADHA REDDY
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Department of Higher Education, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Registrar , Jawaharlal Nehru Technological University, Kakinada, Kakinada-533003, Andhra Pradesh.
3. The Convener ICET 2023, Sri Krishna Devaraya University, Anantapur, Ananthapuramu 515002 Anantapur District, Andhra Pradesh.

4. The Secretary, A.P.State Council of Hider Education,, Mangalagiri, Guntur District. (Addressess 1 to 4 by RPAD)
5. One CC to SRI. P V N KIRAN KUMAR Advocate [OPUC]
6. Two CCs to GP FOR HIGHER EDUCATION ,High Court Of Andhra Pradesh. [OUT]
7. One CC to SRI. MADHU BABU, Standing Counsel [OPUC]
8. One CC to SMT. PARINEETHA ,Standing Counsel [OPUC]
9. One CC to SRI. KARRI SAMBAIAH, Standing Counsel [OPUC]
10. One spare copy.

psk

HIGH COURT

NVJ

DATED:01/09/2023

LIST AFTER FOUR WEEKS

ORDER

WP.No.22903 of 2023

DIRECTION

