

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

**THURSDAY, THE TWENTY FIRST DAY OF AUGUST,
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 26985 OF 2024



Between:

1. The Vivekananda Vidya Samasta Society, Reg. No 46/1989, Rep by its Chairman, Smt Syed Zabeen, W/o Syed Rafiq Ahamed , Aged 53yrs, R/o # Plot No 222/1 A, NRT Road, Vinukonda, Palnadu District, Andhra Pradesh.
2. A & A College of Law, (Sponsored by The Vivekananda Vidya Samasta Society, Reg. No 46/1989), Rep by its Secretary & Correspondent, Syed Rafiq Ahamed, S/o Abdul Salam, Aged 60yrs, # Plot No 222/1A, NRT Road, Vinukonda, Palnadu District, Andhra Pradesh.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep by its Prl Secretary, Higher Education Department, 4th Block, Secretariat, Velagapudi, Guntur District.
2. The Andhra Pradesh State Council For Higher Education, Government of Andhra Pradesh, Rep by its Secretary, Niladri Towers, 6th Battalion Road, Mangalagiri, Guntur District-522503.
3. The Chairman, The Andhra Pradesh State Council For Higher Education, Government of Andhra Pradesh, Niladri Towers, 6th Battalion Road, Mangalagiri, Guntur District-522503.
4. Acharya Nagarjuna University, Rep by its Registrar, Nagarjunanagar, Guntur District-522510.

...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 a writ, order or order direction preferably a Writ in the Nature of Mandamus declaring the inaction on the part of the 2nd & 3rd respondents in processing the application annexed with all relevant documents dated 4.12.2023 where under submitted for Establishing/starting proposed Private Unaided Law College in the name and style of 2nd petitioner, sponsored by the 1st Petitioner for conducting the programmes & subjects of both 3 years and 5 years Law course and according permission to 2nd petitioner college as arbitrary, unfair, dereliction and violation of Articles 14 and 19 of the Constitution of India.

IA NO: 1 OF 2024

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 may be pleased to direct the 2nd & 3rd Respondents to take steps to process the application annexed with all relevant documents dated 4.12.2023 and issue No Objection Certificate (NOC) to the 2nd Petitioner College forthwith pending disposal of the Writ Petition.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated:17.12.2024, 20.01.2025, 25.02.2025 & 06.05.2025 and upon hearing the arguments of Sri Prakash Buddarapu, Advocate for the Petitioners, GP for Higher Education for the Respondent No.1; Ms. K.Radhika, Standing Counsel for the Respondent Nos.2 & 3 and of Sri M.Chalapathi, Standing Counsel for the Respondent No.4 and the Court made the following

ORDER:

“This Writ Petition has been filed questioning the inaction on the part of Respondent Nos.2 and 3 in processing the application annexed with all relevant documents dated 04.12.2023 submitted for

establishing/starting proposed Private Unaided Law College in the name & Style of petitioner No.2, sponsored by the petitioner No.1 for conducting the programmes & subjects of both 3 years and 5 years Law course and according permission to 2nd petitioner.

Case of the petitioner is that an application has been submitted by 1st petitioner society for permission to establish law college, by enclosing all relevant documents and paying requisite fee towards registration, processing and inspection and also corpus fund of law college for a term of 10 years, on 01.12.2023, but no steps have been initiated by respondents 2 and 3 in the direction of according the permission.

Section 8 of the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Institutions of Higher Education) Rules, 1987, reads as follows:

"The Commissionerate who are the competent authority may grant or refuse permission for the establishment of the educational institution after examining the particulars contained in the application and the inspection reports etc. The decision of the competent authority either for granting or refusing the permission for establishment of the institution shall be communicated to the educational agency within three months from the date of receipt of the application, as far as possible. If the permission is refused, the educational agency shall be informed of the grounds for such rejection and the Director shall take necessary action to refund the corpus fund (endowment) deposited, to the educational agency."

From the above, it is evident that once an application has been made, the same has to be processed and the same has to be communicated to the educational agency, within a period of three months from the date of receipt of the application.

In the case on hand, though the application was made on 01.12.2023, the respondents herein have not processed the same.

Learned counsel appearing on behalf of the respondents submits that in view of the interim order dated 25.02.2025, Notification could not be issued by the respondents herein.

Learned counsel for the petitioner relied on judgment of a Full Bench of this Court in *Society of St. Ann's, Mehdipatnam, Hyderabad Vs. The Secretary of Government Education Dept. Hyderabad & Others*¹, wherein at Para 65 it was held thus:

- 1) Even in the absence of a notification issued by a competent authority under sub-section (1) of Section 20 of Andhra Pradesh Education Act, 1982 calling for applications from the educational agencies desirous of establishing educational institutions, it is open to any educational agency including a religious or linguistic minority, to make an application to the State government for the grant of permission for establishing an educational institution.
- 2) It is for the State Government to decide whether the educational needs of a locality or area or of the entire State shall be taken into account in considering the applications. Even in a case where the educational needs of a locality have been identified by a competent authority under sub-section (1) of Section 20 of the Act, the need for providing educational facilities to the people in the locality contemplated under sub-clause 20 of the Act, shall be subject to the policy decision, if any, taken by the State Government in that regard in exercise of its power under Section 18 of the Act.

¹ 1993 (2) A.P.L.J.290 (HC)

- 3) All applications submitted by the educational agencies for the grant of permission for establishing educational institutions and pending on the date the Amending Act No.27 of 1987 came into force, shall be considered and disposed of in accordance with law in force on the date of consideration of such applications including the policy decision, if any, taken by the State Government in that regard and in force on the date of such consideration.
- 4) If the State Government takes a policy decision in the exercise of statutory power vested in it under Section 18 as regards the establishment of educational institutions in the State, on the basis of the relevant considerations referred to in the judgment, and such a policy decision is not opposed to either fundamental rights or principles of natural justice and is not found otherwise unreasonable or arbitrary, such a policy decision shall not generally be interfered with by the Courts. It will not be possible to lay down precise principles for testing the validity of a policy decision taken by the State Government. It depends upon the facts and circumstances of each case, subject to the general principles referred to by us".

A perusal of the aforesaid judgment goes to show that even in the absence of notification issued by a competent authority under sub-section (1) of Section 20 of the Andhra Pradesh Education Act, 1982 calling for applications from the educational agencies desirous of establishing educational institutions, it is apparent on the face of it that in order to make an application, no Notification is necessary by the competent authority.

In view of the aforesaid facts and circumstances of the case, this Court is of the view that balance of convenience is in favour of the petitioner herein. As the application submitted by the petitioner herein is

not being processed within a period of three months, this Court directs the respondents to process the application submitted by the petitioner herein within a period of eight weeks from the date of receipt of copy of this order.

List the matter after eight weeks."

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For

To,

1. The Pri Secretary, Higher Education Department, State of Andhra Pradesh, 4th Block, Secretariat, Velagapudi, Guntur District. [By Special Messenger]
2. The Secretary, Andhra Pradesh State Council For Higher Education, Government of Andhra Pradesh, Niladri Towers, 6th Battalian Road, Mangalagiri, Guntur District-522503.
3. The Chairman, The Andhra Pradesh State Council For Higher Education, Government of Andhra Pradesh, Niladri Towers, 6th Battalian Road, Mangalagiri, Guntur District-522503.
4. The Registrar, Acharya Nagarjuna University, Nagarjunanagar, Guntur District-522510. (Addressee Nos.2 to 4 by RPAD)
5. One CC to Sri Prakash Buddarapu, Advocate [OPUC]
6. One CC to Ms. S. Parineeta, Standing Counsel [OPUC]
7. One CC to Ms. K.Radhika, Standing Counsel [OPUC]
8. One CC Sri Nara Srinivasa Rao, Standing Counsel [OPUC]
9. One CC Sri M.Chalapathi, Standing Counsel [OPUC]
10. Two CCs to GP for Higher Education, High Court of Andhra Pradesh. [OUT]
11. One spare copy

HIGH COURT

SRK,J

DATED: 21/08/2025

LIST THE MATTER AFTER EIGHT WEEKS

ORDER

WP.No.26985 of 2024

DIRECTION

