

[3327]

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**FRIDAY, THE THIRTY-FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
WRIT PETITION NO: 29803 OF 2025**

Between:

Sri Nagarjuna Institute of Technology, Represented by its Secretary /
Correspondent Sri Vakulabharanam Rama Prasad Chekurupadu
Village, Naguluppalapadu Mandal, Prakasam District - 523262

Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary
Department of Higher Education Secretariat Buildings, Velagapudi,
Guntur.
2. All India Council for Technical Education (AICTE), Represented by its
Member Secretary Nelson Mandela Marg, Vasant Kunj, New Delhi -
110070.
3. Andhra Kesari University, Represented by its Registrar Ongole,
Prakasam District.
4. The Andhra Pradesh Higher Education Regulatory AND Monitoring
Commission, Government of Andhra Pradesh Rep by its Member-
Secretary 3rd Floor, Sree Mahendra Enclave, NRI Block (C-Block). NH-
16, Tadepalli, Guntur District - 522501

Respondents

WHEREAS the Petitioner above named through its Advocate Sri Sri
Vijay Mathukumilli, presented this 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 a Writ of Mandamus or any other appropriate Writ, Order, or Direction declaring the action of the 4th Respondent, A.P. Higher Education Regulatory and Monitoring Commission (APHERMC) in refusing to determine and notify the fee structure for the Petitioner Institution for the Academic Year 2025-26 as illegal, arbitrary, discriminatory, contrary to the provisions of the A.P. Higher Education Regulatory and Monitoring Commission Act, 2019 and the Andhra Pradesh Educational Institutions (Prohibition of Capitation Fee) Act, 1983, and violative of Articles 14 and 19(1)(g) of the Constitution of India and consequently direct the 1st & 4th Respondents to forthwith determine and notify the fee structure of the Petitioner Institution and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, including such directions as may be necessary to ensure that the Petitioner Institution is not prejudiced in participating in the admission process and collecting the prescribed fee as determined under law in the interest of justice;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Sri Vijay Mathukumilli, Advocate for the Petitioner, learned GP FOR HIGHER EDUCATION for the Respondent No.1. Ms. UMA DEVI, Standing Counsel for the Respondent No.2, Sri V. VIVEKA, Standing Counsel for the Respondent No.4, 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 Registrar, Andhra Kesari University, Ongole, Prakasam District. 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, within three weeks .

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the Respondents 1 and 4 to determine and notify the fee structure for the Petitioner Institution for the Academic Year 2025-26, enabling the institution to participate in the admission process and collect fees from students, subject to final adjudication of this writ petition, pending disposal of WP No. 29803 of 2025, on the file of the High Court.

The Court made the following ORDER:

Notice before admission, returnable in three (3) weeks.

Learned Assistant Government Pleader for Higher Education takes notice for respondent No.1, Ms. Umadevi, learned Standing Counsel takes notice for respondent No.2 and Sri V. Viveka, learned Standing Counsel takes notice for respondent No.4 and they seek time to get instructions.

Issue notice to respondent No.3.

Learned counsel for the petitioner is permitted to take out personal notice to respondent No.3 by registered post with acknowledgment due and file proof of service before the Registry within a period of three (3) weeks.

The present Writ Petition is filed seeking the following relief.

“..... to issue a Writ of Mandamus or anyother appropriate Writ, Order or Direction declaring the action of 4th respondent, AP Higher Education Regulatory and Monitoring Commission (APHERMC) in refusing to determine and notify the fee structure for the petitioner Institution for the Academic Year 2025-26 as illegal, arbitrary, discriminatory, contrary to the provisions of the AP Higher Education Regulatory and Monitoring Commission Act, 2019 and the Andhra Pradesh Educational Institutions (Prohibition of Capitation Fee) Act, 1983, and violative of Articles 14 and 19(1)(g) of the Constitution of India and consequently direct

1st and 4th respondents to forthwith determine and notify the fee structure of the petitioner Institution and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, including such directions as may be necessary to ensure that the Petitioner Institution is not prejudiced in participating in the admission process and collecting the prescribed fee as determined under law in the interest of justice."

Case of the petitioner institution is that it was established under the aegis of Sri Vivekananda Educational Society, Podili and duly recognized as self-financing technical institution approved by 2nd respondent – AICTE. 1st respondent issued G.O.Rt.No.219, Higher Education (EC) Department, dated 25.10.2025, according permission to the petitioner institution to offer the MCA Course under affiliation to 3rd respondent – Andhra Kesari University, Ongole. Thereafter, petitioner institution obtained formal affiliation from 3rd respondent for the academic year 2025-26. However, as 2nd respondent Apex Body, AICTE has not notified 3rd respondent Andhra Kesari University in its list of recognized affiliating bodies, the approval order of AICTE continued to reflect as Acharya Nagarjuna University. Because of the same, 4th respondent is not determining the fee structure on 27.09.2025 and the Commission has arbitrarily rejected the plea on the untenable ground that there exists a mismatch between 2nd respondent AICTE approved affiliating University and the one mentioned in 1st respondent State Government order and University affiliation.

Learned counsel for the petitioner undertakes that the petitioner institution would approach 2nd respondent - AICTE in order to obtain affiliation.

In view of the aforesaid facts and circumstances and, in view of the undertaking given by the learned counsel appearing on behalf of petitioner institution, respondent Nos.1 and 4 herein are hereby directed

to determine and notify the fee structure for the petitioner institution for the academic year 2025-26, so as to enable the petitioner institution to participate in the admission process.

List the matter after three (3) weeks.

SD/- T. SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary Department of Higher Education Secretariat Buildings, Velagapudi, Guntur, State of Andhra Pradesh (BY SPECIAL MESSENGER)
2. The Member Secretary, All India Council for Technical Education (AICTE), Nelson Mandela Marg, Vasant Kunj, New Delhi - 110070.
3. The Registrar, Andhra Kesari University, Ongole, Prakasam District.
4. The Andhra Pradesh Higher Education Regulatory AND Monitoring Commission, Government of Andhra Pradesh Rep by its Member-Secretary 3rd Floor, Sree Mahendra Enclave, NRI Block (C-Block). NH-16, Tadepalli, Guntur District – 522501 (Addressee Nos.2 to 4 by RPAD- along with a copy of petition and affidavit)
5. One CC to SRI. SRI VIJAY MATHUKUMILLI Advocate [OPUC]
6. Two CCs to GP FOR HIGHER EDUCATION ,High Court Of Andhra Pradesh. [OUT]
7. One CC to Ms. UMA DEVI, STANDING COUNSEL [OPUC]
8. One CC to SRI V. VIVEKA, STANDING COUNSEL [OPUC]
9. One spare copy

Kj

HIGH COURT

SRK,J

DATED:31/10/2025

LIST THE MATTER AFTER THREE (3) WEEKS

NOTICE BEFORE ADMISSION

WP.No.29803 of 2025

DIRECTION

