

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HON'BLE SRI JUSTICE N.V.SHRAVAN KUMAR
WRIT PETITION NO: 15753 OF 2023**

Between:

1. Vahini Educational Society, Dharmapur, a registered society vide Registration No.401 of 1996 represented by its chairman K S Ravi Kumar, S/o Late K Shakerappam, R/o.5-1-108, Vallabh Nagar, Mahabubnagar Town and Dist.,
2. Jaya Prakash Narayan College of Engineering, Dharmapur Village, Mahabubnagar Mandal, Mahabubnagar Dist., Represented by its Chairman, K S Ravi Kumar, S/o Late K Shankerappam, R/o.5-1-108, Vallabh Nagar, Mahabubnagar Town and Dist.,

Petitioners

AND

1. The Government of Telangana, Rep by its Secretary, Department of Higher Education, Secretariat, Hyderabad 500028.
2. The Commissioner and Director, Technical Education, BRKR Bhavan, Tank Bund, Hyderabad.
3. The State Board of Technical Education and Training, 7th Floor, BRKR Bhavan, Tank Bund Road, Hyderabad 500063.
4. The Admission and Fee Regulatory Committee, for matters relating to fee fixation in Private Unaided Professional Colleges, Opp: Mahaveer Hospital, MasabTank, Hyderabad., Represented by its Member Secretary.
5. The Convener (Administration), POLYCET 2023, C/o SBTET, S.V.Bhavan, Masab Tank, Hyderabad 500028.

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 Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents more particularly Respondents No.1 and 4 in failing to enhance and fix the tuition fee for polytechnic courses offered by the petitioner No.2 college from the Academic Year 2023-24 by violating the law declared by the Hon'ble Supreme Court of India in TMA Pai Vs State of Karnataka (2002) 7 SCC 481 to PA Inamdar Vs State of Maharashtra reported in (2005) 6 SCC 537 as illegal arbitrary and in violation of Article 14 and 19(1)(g) of the Constitution of India and consequently direct the 4th respondent to issue notification inviting proposals and fix an appropriate fee for polytechnic institutions in the state to be notified by the 1st Respondent and with a further direction to the 1st Respondent to forthwith notify the fee at Rs.40,000/- for polytechnic courses subject offered by the Petitioner No.2 college subject to the final fee to be fixed by the 4th Respondent/State Government from the Academic year 2023-24;

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 4th respondent to issue notification inviting proposals and fix an appropriate fee for Polytechnic

institutions in the state to be notified by the 1st respondent and with a further direction to the 1st respondent to forthwith notify the fee at Rs 40,000/- polytechnic courses subject offered by the petitioner No.2 college subject to the final fee to be fixed by the 4th Respondent/State Government from the academic year 2023-24, pending disposal of WP.No.15753 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 K Venkatesh Gupta, Advocate for the Petitioners, GP FOR HIGHER EDUCATION for the Respondent Nos.1 & 2, Sri K. Satyanarayana Rao, Standing Counsel for the Respondent No.3, Sri Katika Ravinder Reddy, Standing Counsel for the Respondent No.4, Smt. K. Vani Reddy, Standing Counsel for the Respondent No.5, the Court made the following.

ORDER:

Learned Government Pleader for Higher Education takes notice on respondent Nos.1 and 2.

Sri. K. Satyanarayana Rao, learned Standing Counsel takes notice on Respondent No.3

Sri Katika Ravinder Reddy, learned Standing Counsel takes notice on respondent No.4.

Smt. K.Vani Reddy, learned Standing Counsel takes notice on respondent No.5.

Learned counsel for the petitioners submits that in similar circumstances, this Court in W.P.No.15591 of 2023, dated 20.06.2023, passed interim order, which reads as:

“In view of the orders passed by this Court in W.P.No.14310 of 2023 and batch, dated 15.06.2023, there shall be interim direction, as prayed for, subject to condition that in the event of fixation of fee less than Rs.40,000/-, the petitioners-Colleges shall refund the excess amount paid by the students, who got admission into the petitioners-Colleges. Likewise, the students, who got admission into the petitioners-Colleges into the courses in question shall also given an undertaking that they shall abide by the fees, as may be fixed by respondent No.4 in future and pay the difference amount, in case if the same is fixed over and above Rs.40,000/-“.

Learned counsel for the petitioners further pray this Court pass interim order in terms of W.P.No.15591 of 2023, dated 20.06.2023.

Learned Government Pleader for Higher Education appearing for respondent authorities has fairly acceded the facts and submits that similar order may be passed.

Recording the submission made by the learned counsel on either side and in view of fact that in similar circumstances, this Court passed interim orders in WP No.14310 of 2023 and batch, dated 15.06.2023, accordingly, there shall be interim order as prayed for.

Post the matter on 26.06.2023 along with W.P.No.14310 of 2023 and batch.

SD/- A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Secretary, Department of Higher Education, Government of Telangana, Secretariat, Hyderabad – 500028.
2. The Commissioner and Director, Technical Education, BRKR Bhavan, Tank Bund, Hyderabad.
3. The State Board of Technical Education and Training, 7th Floor BRKR Bhavan, Tank Bund Road, Hyderabad – 500063.
4. The Member Secretary, Admission and Fee Regulatory Committee, for matters relating to fee fixation in Private Unaided Professional Colleges, Opp Mahaveer Hospital, MasabTank, Hyderabad.
5. The Convener (Administration), POLYCET 2023, C/o SBTET, SV Bhavan Masabtank, Hyderabad - 500028.
(for addresses 1 to 5 by RPAD)
6. One CC to SRI. K VENKATESH GUPTA, Advocate [OPUC]
7. Two CCs to GP FOR HIGHER EDUCATION, High Court Of Judicature at Hyderabad. [OUT]
8. One spare copy

HIGH COURT

NVSK.J

DATED:22/06/2023

**NOTE: POST THE MATTER ON 26.06.2023 ALONG WITH
W.P.NO.14310 OF 2023 AND BATCH.**

ORDER

WP.No.15753 of 2023

DIRECTION

