

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

**WRIT PETITION Nos.4835, 4855, 4871, 4900, 4905, 4910, 4912,
4915, 4935, 5021, 5023, 5580, 10674, 7095, 10047, 10330, 10332,
10335, 10336, 10345, 10334, 10375, 10444, 10448, 10455, 10472,
10476, 10479, 10484, 10489, 10494, 10504, 10530, 10574, 10584,
10606, 10623, 10628, 10638, 10621, 10860, 10905, 10933, 10935,
10937, 10960, 11029, 11046, 11065, 11261, 11269, 11477, 11609,
11617, 12686, 13802, 14439, 14506, 14512, 10624, 10659, 10662,
10664, 10739, 10630, 11690, 14476, 11505, 11513, 10561, 12672,
15458, 15954, 16110, 16514, 16517, 17340, 17341, 17342, 17357,
17388, 17418 of 2026, 19912, 12945, 19934, 19937, 20346, 20371,
20372, 21589, 21595, 22343 of 2025 and 35204 of 2024, 23615 of
2019**

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	25.06.2026	<u>JS,J</u> Heard Sri L. Ravichandran and Sri S. Sri Ram, learned Senior Counsel appearing on behalf of the learned counsel for the petitioners. Learned Senior Counsel submitted that this Court, by interim order dated 02.04.2026 passed in W.P.No.4835 of 2026 and batch, having taken note of the admitted dues payable by the Government to the petitioner-institutions under the Fee Reimbursement Scheme and the consequent financial hardship suffered by them, was pleased, as an interim measure and subject to the final outcome of the writ petitions, to permit the petitioner-institutions to collect tuition fees directly from the eligible students belonging	Tr. to I/O. folder before corrections, if any.

		to the SC, ST, BC, EBC, Minority, and other categories covered under the Fee Reimbursement Scheme, without reference to the Government Orders governing the said Scheme, from the Academic Year 2026-2027 onwards. This Court further directed that, in the event of dismissal of the writ petitions, the petitioner-institutions shall refund the tuition fees so collected to the respective students. Learned Senior Counsel further submitted that, thereafter, the Government issued G.O.Ms.No.7, SC Development (Edn.A1) Department, dated 29.04.2026, introducing the Direct Benefit Transfer (DBT) mode for disbursement of Post-Matric Scholarships, including Reimbursement of Tuition Fee (RTF) and Maintenance Fee (MTF), in respect of students belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes, Economically Backward Classes, Minorities and Differently-Abled categories. Clause XII of Paragraph No.5 of the said Government Order stipulated that, consequent upon the migration to the DBT mode, "the colleges should not insist the students for payment of tuition fee and other eligible fees at the time of admission", and that the students shall thereafter pay the fees to the respective institutions out of the amounts credited into their bank accounts through the	
--	--	--	--

		DBT mechanism. According to the learned Senior Counsel, the said Clause XII was directly contrary to, and in the teeth of, the interim order dated 02.04.2026 passed by this Court. It is further submitted that, upon considering the said contention, this Court, by order dated 30.04.2026, prima facie found that Clause XII of Paragraph No.5 of G.O.Ms.No.7, dated 29.04.2026, was inconsistent with and contrary to the interim order dated 02.04.2026 and, accordingly, granted an interim suspension of the operation of the said Clause XII until 04.05.2026. Thereafter, on 04.05.2026, at the request of the learned Government Pleader seeking time to obtain instructions and file detailed counter-affidavits, particularly with regard to Clause XII of Paragraph No.5 of G.O.Ms.No.7, this Court extended the interim suspension of the said Clause until further orders. Learned Senior Counsel further submitted that, while matters stood thus, instead of filing the counter-affidavits as directed by this Court, the Government issued G.O.Ms.No.8, SC Development (Edn.A1) Department, dated 06.06.2026, withdrawing G.O.Ms.No.7 dated 29.04.2026. Simultaneously, the Government issued G.O.Ms.No.9, SC Development (Edn.A1)	
--	--	--	--

		Department, dated 06.06.2026, notifying the "Consolidated Implementation Guidelines" governing the revised scheme for disbursement of fee reimbursement through the Direct Benefit Transfer (DBT) mode. Referring to G.O.Ms.No.9, learned Senior Counsel submitted that, although G.O.Ms.No.7 has been withdrawn, the very mandate contained in the suspended Clause XII of Paragraph No.5 of G.O.Ms.No.7 has been substantially reproduced under different provisions of the Consolidated Implementation Guidelines issued in G.O.Ms.No.9, particularly in Paragraph Nos.5.2(e), 10.2, 10.4 and 12.1(a) which reads as under: <u>Paragraph No. 5.2(e):</u> <i>"Admit eligible students on the basis of merit through a transparent process and through convenor quota seats, on the understanding that the Tuition Fee and other eligible fees shall be paid by the student to the institution out of the scholarship amount credited to the student's Aadhaar-seeded bank account, in accordance with the timelines specified in Para 10;"</i> <u>Paragraph No. 10.2:</u> <i>"Under the DBT model, the Tuition Fee and other eligible fees shall be paid by the student to the institution from the scholarship amount credited to the student's Aadhaar-seeded bank</i>	
--	--	--	--

		<i>account. The student shall remit such payment to the institution within seven working days from the date of credit."</i> <u>Paragraph No. 10.4:</u> <i>"Accordingly, admission of an eligible student to an institution shall be made based on the premise of payment of fees as contained in these guidelines with the fees being payable by the student to the institution upon receipt of the scholarship credit as provided in Para 10.2."</i> <u>Paragraph No. 12.1(a):</u> <i>"honour the DBT model by admitting eligible students on the basis that the Tuition Fee and hostel fee, where applicable, shall be paid by the student to the institution from the scholarship credited to the student's account under Para 10".</i> Learned Senior Counsel further submitted that the cumulative effect of Paragraph Nos.5.2(e), 10.2, 10.4 and 12.1(a) of G.O.Ms.No.9, SC Development (Edn.A1) Department, dated 06.06.2026, is substantially identical to that of the suspended Clause XII of Paragraph No.5 of G.O.Ms.No.7, dated 29.04.2026. According to the learned Senior Counsel, the effect of the said provisions is to prohibit the petitioner-institutions from insisting upon or collecting tuition fees from eligible students at the time of admission and to compel the institutions to await payment of such fees	
--	--	---	--

		only after the students receive the scholarship amount credited to their respective bank accounts through the Direct Benefit Transfer (DBT) mechanism. It is further submitted that, in pith and substance, the aforesaid provisions of G.O.Ms.No.9 merely reproduce and reintroduce the very stipulation contained in Clause XII of Paragraph No.5 of G.O.Ms.No.7, the operation of which has already been suspended by this Court by orders dated 30.04.2026 and 04.05.2026. It is contended that the impugned provisions suffer from the very same legal infirmity and are directly contrary to the interim order dated 02.04.2026, whereby this Court permitted the petitioner-institutions, as an interim measure and subject to the result of the writ petitions, to collect tuition fees directly from the eligible students. Learned Senior Counsel further contended that the Government, having suffered an interim order suspending the operation of Clause XII of Paragraph No.5 of G.O.Ms.No.7, cannot be permitted to achieve the very same result by incorporating substantially identical provisions in a subsequent Government Order. In other words, it is submitted that what the Government cannot do directly, it cannot be permitted to	
--	--	--	--

		accomplish indirectly by adopting a different form or drafting technique to achieve the same consequence. On the aforesaid grounds, the learned Senior Counsel prayed to suspend the operation of Paragraph Nos.5.2(e), 10.2, 10.4 and 12.1(a) of G.O.Ms.No.9, SC Development (Edn.A1) Department, dated 06.06.2026, pending disposal of the writ petitions. In support of their contentions, a reliance was placed on a decision of the Hon'ble Supreme Court in <i>Advocate General, State of Bihar v. M/s. Madhya Pradesh Khair Industries and another</i>¹ wherein it was held at Paragraph No.7 that: <i>“7. Section 2(c) of the Contempt of Courts Act defines criminal contempt as follows:</i> <i>“(c) ‘Criminal Contempt’ means the publication (whether by words, spoken or written, or any signs, or by visible representations, or other wise) of any matter or the doing of any other act whatsoever which—</i> <i>(i) scandalises or tends to scandalise, or lowers or tends to lower the authority of any court; or</i> <i>(ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or</i> <i>(iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the</i>	
--	--	---	--

¹ (1980) 3 Supreme Court Cases 311

		<i>administration of justice in any other manner.”</i> <i>While we are conscious that every abuse of the process of the court may not necessarily amount to contempt of court, abuse of the process of the court calculated to hamper the due course of a judicial proceeding or the orderly administration of justice, we must say, is a contempt of court. It may be that certain minor abuses of the process of the court may be suitably dealt with as between the parties, by striking out pleadings under the provisions of Order 6 Rule 16 or in some other manner. But, on the other hand, it may be necessary to punish as a contempt, a course of conduct which abuses and makes a mockery of the judicial process and which thus extends its pernicious influence beyond the parties to the action and effects the interest of the public in the administration of justice. The public have an interest, an abiding and a real interest, and a vital stake in the effective and orderly administration of justice, because, unless justice is so administered, there is the peril of all rights and liberties perishing. The court has the duty of protecting the interest of the public in the due administration of justice and, so, it is entrusted with the power to commit for contempt of court, not in order to protect the dignity of the court against insult or injury as the expression “Contempt of Court” may seem to suggest, but, to protect and to vindicate the right of the public that the administration of justice shall not be prevented, prejudiced, obstructed or interfered with. “It is a mode of vindicating the majesty of law, in its active manifestation against obstruction</i>	
--	--	--	--

		<i>and outrage.” [Per Frankfurter, J. in Offutt v. U.S.(1954) 345 US 11] “The law should not be seen to sit by limply, while those who defy it go free, and those who seek its protection lose hope.” [Per Judge Curtis-Raleigh quoted in Jennison v. Baker, (1972) 1 All ER 997, 1006]”</i> Further, reliance was placed on a decision of the Hon’ble Supreme Court in Surjit Singh and others v. Harbans Singh and others² wherein it was held at Paragraph No.4 that: <i>“4.....When the Court intends a particular state of affairs to exist while it is in seisin of a lis, that state of affairs is not only required to be maintained, but it is presumed to exist till the Court orders otherwise. The Court, in these circumstances has the duty, as also the right, to treat the alienation/assignment as having not taken place at all for its purposes.....”</i> Further, reliance was placed on a decision of the Hon’ble Supreme Court in Bihar Rajya Dafadar Chaukidar Panchayat (Magadh Division) v. State of Bihar and others³ wherein it was held at Paragraph No.33 that: <i>“33. However, a caution needs to be sounded. While not suggesting for a moment that the course of action which the Division Bench adopted in this case can routinely be adopted, we see no reason as to why the power to suo motu declare a subordinate legislation invalid, on the ground of its being manifestly contrary to a Fundamental Right read</i>	
--	--	--	--

² (1995) 6 Supreme Court Cases 50

³ 2025 SCC OnLine SC 1882

		<i>with binding precedents in terms of Article 141, should not be conceded to be within the vast reserve of powers of the Constitutional Courts. Though exercise of powers, suo motu, in an appropriate case in exercise of jurisdiction under Article 226 of the Constitution cannot be doubted, it is indubitable that such power has to be exercised sparingly and with due care, caution and circumspection. We are minded and do hold that, a writ court, when it finds its conscience to be pricked in a rare and very exceptional case by the patent unconstitutionality of a subordinate legislation connected with the issue it is seized of, may, upon grant of full opportunity to the State to defend the subordinate legislation and after hearing it, grant a declaration as to unconstitutionality and/or invalidity of such legislation. After all, as the sentinel on the qui vive, it is not only the duty of the writ courts in the country to enforce Fundamental Rights of individuals, who approach them, but it is equally the duty of the writ courts to guard against breach of Fundamental Rights of others by the three organs of the State. This power is a plenary power resident in all the Constitutional Courts. Should, in a given case, it be found that there has been an egregious violation of a Fundamental Right as a result of operation of a subordinate legislation and the issue is concluded by a binding decision of this Court, we consider it the duty of the writ courts to deliver justice by declaring the subordinate legislation void to safeguard rights of others who might not still have been affected thereby. We reiterate, it can only be done rarely and in cases which stand</i>	
--	--	--	--

		<i>out from the ordinary.”</i> Further, reliance was placed on a decision of the Hon’ble Supreme Court in <i>Manohar Lal (dead) by LRs. v. Ugrasen (dead) by Lrs and others</i>⁴ wherein it was held at Paragraph No.29 that: <i>“29. In view of the above, it is evident that any order passed by any authority in spite of the knowledge of the interim order of the court is of no consequence as it remains a nullity.”</i> Further, reliance was placed on a decision of the Hon’ble Supreme Court in <i>Sant Lal Gupta and others v. Modern Cooperative Group Housing Society Limited and others</i>⁵ wherein it was held at Paragraph No.21 that: <i>“21. It is a settled proposition of law that what cannot be done directly, is not permissible to be done obliquely, meaning thereby, whatever is prohibited by law to be done, cannot legally be effected by an indirect and circuitous contrivance on the principle of “quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud”. An authority cannot be permitted to evade a law by “shift or contrivance”. (See Jagir Singh v. Ranbir Singh [(1979) 1 SCC 560 : 1979 SCC (Cri) 348 : AIR 1979 SC 381] and M.C. Mehta v. Kamal Nath [(2000) 6 SCC 213].)”</i>	
--	--	--	--

⁴ (2010) 11 Supreme Court Cases 557

⁵ (2010) 13 Supreme Court Cases 336

		On the other hand, Sri S. Rahul Reddy, learned Special Government Pleader attached to the Office of the learned Additional Advocate General, submitted that G.O.Ms.No.9, SC Development (Edn.A1) Department, dated 06.06.2026, is neither contrary to nor in violation of the interim orders dated 02.04.2026 and 30.04.2026 passed by this Court. According to the learned Special Government Pleader, the said Government Order has been issued in conformity with the policies of both the State Government and the Central Government governing the implementation of the Direct Benefit Transfer (DBT) Scheme. Learned Special Government Pleader further submitted that, although G.O.Ms.No.9 was issued on 06.06.2026, no challenge thereto was made until 24.06.2026. He also submitted that, as on the date of hearing, he had not received complete instructions from the Government to make detailed submissions on the issues involved. It is further submitted that the learned Advocate General proposes to appear and make submissions on behalf of the respondents in the present batch of matters. It is further submitted that the consequences flowing from G.O.Ms.No.9, dated 06.06.2026, would come into effect only from	
--	--	---	--

		09.07.2026. Therefore, while opposing the submissions advanced on behalf of the petitioners, the learned Special Government Pleader sought time till 30.06.2026 to obtain necessary instructions and to enable the learned Advocate General to make submissions before the Court on the issues involved. Having considered the facts and circumstances of the case, the submissions advanced by the learned counsel appearing for the respective parties, and upon perusal of the material available on record, this Court finds that, admittedly, the amounts due to the petitioners-institutions have not been disbursed by the Government till date. It is also pertinent to note that no counter-affidavit, vacate stay application, or statement indicating the timeline within which the payments, in respect of the amounts for which tokens have already been generated, would be released to the petitioners-institutions has been placed before this Court. This Court further finds that Paragraph Nos.5.2(e), 10.2, 10.4 and 12.1(a) of G.O.Ms.No.9, SC Development (Edn.A1) Department, dated 06.06.2026, <i>prima facie</i> embody the very same mandate that was contained in Clause XII of Paragraph No.5 of G.O.Ms.No.7, dated 29.04.2026, the operation	
--	--	--	--

		of which has already been suspended by this Court. Consequently, the aforesaid provisions of G.O.Ms.No.9 cannot, at this stage, be permitted to dilute, override, or render ineffective the interim orders dated 02.04.2026 and 30.04.2026 passed by this Court. Accordingly, as the Paragraph Nos.5.2(e), 10.2, 10.4 and 12.1(a) of G.O.Ms.No.9 dated 06.06.2026 are akin with the contents of the suspended G.O.Ms.No.7, dated 29.04.2026 and in order to avoid any uncertainty, confusion or ambiguity in the implementation of the interim orders already operating in the field, this Court deems it appropriate to direct that the respondents-authorities shall not give effect to, enforce, implement or act upon Paragraph Nos.5.2(e), 10.2, 10.4 and 12.1(a) of G.O.Ms.No.9, SC Development (Edn.A1) Department, dated 06.06.2026, in any manner whatsoever, until 30.06.2026. At request of the learned Special Government Pleader attached to the Office of the learned Additional Advocate General, list all these batch matters on 30.06.2026. <u>I.A.No.3 of 2026</u> <u>in</u> <u>W.P.No.10494 of 2026</u> For the reasons stated in the	
--	--	--	--

		accompanying affidavit, this Interlocutory Application is allowed. Accordingly, the proposed respondent is impleaded as respondent No.7 in the main writ petition, as prayed for. Registry is directed to carry out the necessary amendments forthwith. <u>I.A.No.3 of 2026</u> <u>in</u> <u>W.P.No.10494 of 2026</u> For the reasons stated in the accompanying affidavit, this Interlocutory Application is allowed. Accordingly, the prayer in the main writ petition is amended by incorporating paragraph Nos.(d) to (h), as set out in the accompanying affidavit. Registry is directed to carry out the necessary amendments forthwith. <u>JS,J</u> <u>Note:</u> Issue CC Today. Registry is directed to communicate this Order to all the respondents for immediate compliance. B/o. KHRM	
--	--	--	--

--	--	--	--