

ITEM NO.39

COURT NO.7

SECTION XIIA

S U P R E M E            C O U R T   O F   I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).34050-34080/2011

(From the judgement and order dated 29/10/2011 in WP No.16547/2010,WP No.17498/2010,WP No.20535/2010,WP No.20543/2010,WP No.20971/2010,WP No.20972/2010,WP No.21152/2010,WP No.21165/2010,WP No.21190/2010,WP No.21225/2010,WP No.21243/2010,WP No.21772/2010,WP No.21823/2010,WP No.21830/2010,WP No.21831/2010,WP No.21834/2010,WP No.21836/2010,WP No.21900/2010,WP No.21905/2010,WP No.21907/2010,WP No.21938/2010,WP No.21939/2010,WP No.21940/2010,WP No.21941/2010,WP No.21944/2010,WP No.21945/2010,WP No.21946/2010,WP No.21947/2010,WP No.22154/2010,WP No.22179/2010,WP No.22375/2010 of The HIGH COURT OF A.P AT HYDERABAD)

GOVT.OF A.P.&amp; ORS.ETC.ETC.

Petitioner(s)

VERSUS

CONSORTIUM OF ENG.COL.MGT.ASSN.&amp; ORS.

Respondent(s)

(With appln(s) for intervention and impleadment and I.A Nos. 129, 130, 131-133, 196-226 & 227-257 - applns. for directions - and I.A. Nos. 134-164, 165-195 an I.A. No..... - applns. for impleadment - and with prayer for interim relief and office report)

Date: 09/05/2012      These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE H.L. GOKHALE  
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s)      Mr.    Goolam E. Vahanvati, Attorney General  
                                 Mr.    R. Venkataramani, Sr. Adv.  
                                 Mr.    K.G. KrishnaMoorthy, Sr. Adv.  
                                 Mr.    G.N.Reddy, Adv.  
                                 Mr.    C. Kannan, Adv.  
                                 Mr.    Ravi Shankar, Adv.

For Respondent(s)      Mr. K. Rajendra Chowdhary, Sr. Adv.  
                                 Dr. R. Prakash, Adv.  
                                 Mr. Uday Kumar Sagar, Adv.  
                                 M/S. Lawyer'S Knit & Co

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Mr. K. Rajendra Chowdhary, Sr. Adv.  
Dr. R. Prakash, Adv.  
Mr. Uday Kumar Sagar, Adv.  
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Mr. Harish N. Salve, Sr. Adv.  
Mr. Dushyant A. Dave, Sr. Adv.  
Mr. S. Udaya Kumar Sagar, Adv.  
Ms. Bina Madhavan, Adv.  
Mr. S. Niranjan Reddy, Adv.  
Mr. Harsha Reddy, Adv.  
Mr. Avinash Desai, Adv.  
Ms. KaranKanwal, Adv. for

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Mr. F.S. Nariman, Sr. Adv.  
Mr. Ashok H. Desai, Sr. Adv.  
Mr. Gopal Subramaniam, Sr. Adv.  
Mr. Ravindra Nath Reddy, Adv.  
Mr. A.V. Rangam ,Adv  
Mr. Buddy A. Rangam, Adv.  
Ms. Richa Bhardwaj, Adv.

Mr. C. Mukund, Adv.  
Mr. Sriram, Adv.  
Mr. Pankaj Jain, Adv.  
Mr. Ashok Kumar Jain, Adv.  
Mr. Bijoy Kumar Jain ,Adv

Mrs. D. Bharathi Reddy ,Adv  
Mr. M.H. Prasad, Adv.  
Mr. Harsha, Adv.

Mr. P.P. Rao, Sr. Adv.  
Mr. Y. Raja Gopala Rao, Adv.  
Ms. Y. Vismai Rao, Adv.  
Mr. Hitendra Nath Rath, Adv.

Mr. P.V. Saravana Raju, Adv.  
Ms. Meera Mathur, Adv.

Mr. Naga Srinivas Rao, Adv.  
Ms. E.R. Sumathy, Adv.

Mr. Amitesh Kumar, Adv.  
Mr. Ravi Kant, Adv.  
Ms. Priti Kumari, Adv.  
Mr. Mayank Manish, Adv.  
Mr. Navin Prakash, Adv.

Mr. P.S. Narasimha, Sr. Adv.

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Mr. A. Remesh, Adv.  
Ms. G. Madhavi, Adv.  
Ms. D. Geetha, Adv.

Mr. P.S. Narasimha, Sr. Adv.  
Mr. C.S.N. Mohan Rao, Adv.  
Mr. R. Ramesh, Adv.  
Mr. Vijay Kumar, Adv.

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Y. Raja gopala Rao, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Interlocutory Applications for intervention and impleadment are allowed. Amended cause title shall be filed by the advocate on record for the petitioners within two weeks.

We have heard Mr. Goolam E. Vahanvati, learned Attorney General, and learned senior counsel for the

parties.

On February 2, 2012, this Court directed the Government of Andhra Pradesh to call for figures/details from the concerned institutions relevant to the year 2012-2013 with reference to the impact on their financial burden due to AICTE Notification dated January 22, 2010 and the Notification of the State Government dated February 25, 2010 to implement the 9th Pay Revision Committee Report of the State Government. Pursuant thereto, notice was issued by the Government of Andhra Pradesh. Some of the institutions submitted figures/details as called for. Initially, on March 29, 2012, a report was submitted by the Admissions Fee Regulatory Committee (AFRC) in compliance of the order dated February 2, 2012, but that report was found not complete and proper and learned Attorney General prayed for some time to enable AFRC to submit fresh report.

On April 20, 2012, an affidavit was filed by AFRC pursuant to the earlier order. On April 24, 2012 when the matter came up before the Court for consideration, AFRC was directed to scrutinise the accounts furnished by each of the 44 institutions referred to in that affidavit and it was directed that after giving an opportunity of hearing to each of these institutions, submit fresh report indicating institution specific enhancement in fee for the academic year 2012-2013.

In compliance of the order dated April 24, 2012, a report has been submitted by the AFRC. From the said report, it transpires that as regards 13 institutions, the Committee has recommended fee hike with percentage varying from 7% to 42%. For remaining 31 institutions, AFRC has not recommended fee hike for the reasons given

in the report.

On behalf of the applicant(s) -  
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intervener(s)/newly impleaded parties, it was submitted that AFRC has not considered the figures and details submitted by them.

Mr. Goolam E. Vahanvati, learned Attorney General submitted, while contesting the stand of the applicant(s) - impleaded parties, that they have not furnished the full and complete particulars.

Be that as it may, by way of pro tempore and ad hoc arrangement, we are of the view that the institutions who have implemented the AICTE Notification and the 9th Pay Revision Committee Report of the State Government or such institutions who undertake to implement the AICTE notification and the 9th Pay Revision Committee Report, the impact on their financial burden needs to be taken care of.

As regards 13 institutions although a specific recommendation has been made by AFRC on fee hike at a particular percentage, but we are of the view that the impact on financial burden of each institution pursuant to AICTE Notification and the 9th Pay Revision Committee Report of the State Government for the academic year 2012-2013 be shared by the fresh students taking admissions in these institutions for the academic year 2012-2013. In other words, the impact on financial burden of these institutions shall not affect

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the fee structure of the existing students. Fee rise for the academic year 2012-2013 shall be subject to adjustment on fee structure being revised for the academic years 2013-2014, 2014-2015 and 2015-2016.

Such institutions who give their undertaking before this Court within one week and on furnishing within one week thereafter to AFRC complete details/figures relevant to evaluate impact on their financial burden due to AICTE Notification and the 9th Pay Revision Committee Report of the State Government shall be governed by the same arrangement as indicated above.

Let the special leave petitions be posted for final disposal on a non-miscellaneous day in September, 2012, i.e., on September 25, 2012.

Application(s) for directions to come up along with the special leave petitions.

(Rajesh Dham)  
Court Master

(Renu Diwan)  
Court Master