
(2016) 06 AP CK 0053

In the Andhra Pradesh High Court

Case No : Writ Petition No. 17673 of 2016

Harshith Educational Society

APPELLANT

Vs

State of Telangana

RESPONDENT

Date of Decision : 10-06-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 5 ALT 387

Hon'ble Judges : Sri C. Praveen Kumar, J.

Bench : Single Bench

Advocate : Mr. P. Pandu Ranga Reddy, Advocate, for the Petitioner; G.P. for Higher Education (TG), for the Respondent Nos. 1 and 5; Mr. K. Ramakanth Reddy, Advocate, for the Respondent Nos. 2 and 3; Mr. V. Ramachandra Goud, Advocate, for the Respondent No. 4; Mr. A.

Final Decision : Disposed Off

Judgement

Sri C. Praveen Kumar, J.—; Heard Sri L.Ravichander, learned senior counsel appearing for the petitioners, the learned Government Pleader for Higher Education appearing for respondents 1 and 5, Sri K. Ramakanth Reddy, learned Standing Counsel for respondents 2 and 3, Sri V.Ramachandra Goud, learned counsel for respondent no.4 and Sri A. Abhishek Reddy, learned Standing Counsel for respondents 6 and 7.

2. This Writ Petition came to be filed to issue a writ of mandamus declaring the proceedings in F.No. AICTE/AB/SCR/1-11554091/2016-17, dated 30.04.2016 issued by 2nd respondent as illegal and arbitrary and set aside the same, and consequently direct 2nd respondent to forthwith grant fresh approval for the academic year 2016-17 and direct all respondents to treat 2nd petitioner as validly approved institution for the academic year 2016-17 for the entire intake and courses as approved by AICTE in its approval dated 09.04.2015.

3. The relevant portion of the impugned order dated 30.04.2016 passed by 2nd respondent reads as under: (paragraphs 13 & 14).

"13. Whereas, the matter was placed before SAC in its meeting held on 29.04.2016 and the SAC dated 29.4.2016 made the following recommendations:-

"Hon?ble High Court of Judicature at Hyderabad vide Order dated 15.7.2015 and 28.7.2015, directed for Joint inspection by JNTUH and AICTE. Based on the said exercise of Joint Inspection, punitive action of withdrawal of EOA for 2015-16 was issued against the said institute. It was based as majority of faculty members were not qualified. On institute?s application under Chapter II of APH 2016-17 for restoration, EVC was conducted. EVC has noted several deficiencies and the same are pointed out on prepare as well.

In reference to the deficiencies, the institute was issued Show cause Notice, the Institute representative has agreed that deficiencies exist. So for rectification of deficiency with regard to faculty, the institute has submitted documents before us. From the perusal of the documents, it is found as many faculty members are having only B. Tech qualification and they are not being paid as per AICTE norms. In fact, they are being paid consolidated salary and majority of them are underpaid. Besides, as per the institution, the salary is being paid in cash which is also not acceptable.

Then taking on overall consideration as referred to above, the Committee recommends no restoration and the institute be remain placed under "No Admission Category for academic year 2016-17."

14. Therefore, after examining the entire matter in the facts and circumstances mention herein above and based on the recommendation of the SAC dated 29.4.2016 and in terms of the provisions of the Approval Process Handbook, the Council has decided to place Harshith Group of Institutions, Mankhal, Maheshwaram (M), R.R. Distt., Telangana-501359 run by Harshith Educational Society, Hyderabad under "No Admission" category for the A.Y. 2016-17."

4. Learned senior counsel appearing for the petitioners contends that the reasons assigned for rejection of application for restoration of approval are inconsistent. He brought to the notice of this Court the first order dated 27.04.2016 passed by the Director (Approval) of the All India Council for Technical Education whereby 5 deficiencies have been pointed out for rejection of the application. It is the case of the petitioner that the deficiencies pointed out in the first order are duly complied with, but, in spite of the same, the impugned order came to be passed on a different ground i.e. paucity of lecturers.

5. On the other hand, learned Standing Counsel appearing for respondents 2 and 3 submits that without there being any approval by the AICTE, the question of granting permission for admitting students or running the college does not arise. He submits that the appeal filed by the petitioner college against the impugned order is still pending consideration and therefore the question of passing any orders in this Writ Petition, pending the said appeal, is unwarranted.

6. As seen from the material on record, as against the impugned order, the

petitioner college preferred an appeal before 2nd respondent on 02.05.2016. The appellate authority called for a report from the expert committee and the same was submitted on 24.05.2016. It is stated that till date, no orders are passed in the said appeal. Therefore, without going into merits of the case and having regard to the circumstances stated above, the petitioners are directed to submit all their objections along with relevant documents before 2nd respondent-appellate authority by appearing personally on 14.06.2016 and in which event, the 2nd respondent-appellate authority shall pass appropriate orders in the appeal in accordance with law within 3 days thereafter.

7. The Writ Petition is disposed of with the aforesaid direction. Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed in the light of this final order. No order as to costs.