

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 29047 OF 2012

Between:

1. Joseph Sriharsha and Mary Indrajya Educational Society, (Regn No. 6624/1996), Plot No. 102, High Court Colony Vanasthalipuram, Hyderabad rep by its Secretary Rev. KVK Rao
2. St. Mary's Group of Institutions,, Hyderabad Deshmukhi Village, Pochampally Mandal, Nalgonda District - 508 284, Rep by its Correspondent Rev. KVK Rao
3. St. Mary's Integrated Campus,, Hyderabad Deshmukhi Village, Pochampally Mandal, Nalgonda District - 508 284 Rep by its correspondent Rev. KVK Rao
4. St. Mary's Engineering College, Deshmukhi Village, Pochampally Mandal, Nalgonda District - 508 284 Rep by its correspondent Rev. KVK Rao

...PETITIONERS

AND

1. The Government of A.P., (Higher Education (EC.1) Department, Secretariat Buildings, Secretariat Hyderabad.
2. The A.P. State Council for Higher Education, rep by its Secretary, Saifabad, Hyderabad.
3. The Admission and Fee Regulatory Committee for matters Relating to Fee Fixation in Private Unaided Professional Colleges, 1st Floor (South Wing) Gagan Vihar, MJ Road, Hyderabad, rep by its Member Secretary

...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 a writ, order or direction, one more particularly in the nature of Mandamus a) declaring that the fee structure fixed for the petitioners in annexure IB of G.O Rt. No. 639 dt. 28.5.2012 is not bound by the rigour of Rule 4(vii) of G.O. Ms. No. 6 dt. 8.1.2007 and b) that the petitioners are entitled to seek higher fee structure, if approved by the 3rd respondent for the academic years 2013-2015 from all the students pursuing a course of study in the petitioner colleges, including the students admitted in the academic year 2012-2013 c) by declaring

the absence of such a declaration in G.O. Rt. No. 639 dt. 28.5.2012 as arbitrary and illegal offending Article 14 of the Constitution of India and issue a consequential direction to the respondents to forbear from enforcing Rule 4(vii) of G.O. Ms. No. 6 dt. 8 1.2007 upon the petitioners in regard to the fee fixed for the academic year 2012-2013

I.A. NO: 1 OF 2012(WPMP. NO: 37071 OF 2012)

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 respondents to notify that the tuition fee fixed for the petitioners for B. Tech courses in Annexure IB of the G.O. Ms. No. 639 dt. 25.8.2012 be subject to the outcome of the present W.P.

I.A. NO: 2 OF 2012(WPMP. NO: 39438 OF 2012)

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 permit the petitioners to file additional material papers in W.P.No.29047 of 2012 in the interests of justice

Counsel for the Petitioners: SRI. S SRI RAM (not present)

**Counsel for the Respondent No.1: MS. SUJATHA KURAPATI GP FOR
HIGHER EDUCATION**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Petition No.29047 of 2012

ORDER: (Per the Hon'ble the Chief Justice Alok Aradhe)

None for the petitioners.

Ms. Sujatha Kurapati, learned Government Pleader for Higher Education Department appears for respondent No.1.

2. In this writ petition, the petitioners *inter alia* have assailed the validity of the fee structure prescribed by G.O.Rt.No.639 Higher Education (EC.1) Department dated 28.05.2012 for the academic years 2013-15 as well as the validity of the said GO.

3. The writ petition was earlier dismissed for default on 23.09.2013. However, the said order was recalled and the writ petition was restored to file *vide* order dated 08.11.2013 passed in WPMP.No.37739 of 2013.

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4. Today, when the matter is called, none appears on behalf of the petitioners. Therefore, the Writ Petition is dismissed for non-prosecution.

5. However, the issue with regard to validity of G.O.Rt.No.639 Higher Education (EC.1) Department dated 28.05.2012 is kept open to be challenged in an appropriate proceeding.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/- A. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER /

To,

1. One CC to SRI. S SRI RAM Advocate [OPUC]
2. Two CCs to GP FOR HIGHER EDUCATION ,High Court for the State of Telangana. [CUT]
3. Two CD Copies

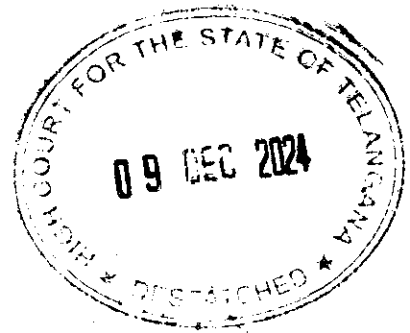
KKS

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HIGH COURT

DATED:29/10/2024



ORDER

WP.No.29047 of 2012

**DISMISSING THE WRIT PETITION
FOR NON-PROSECUTION
WITHOUT COSTS**

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22/11/24*