

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.40278 OF 2012

ORDER:

The petitioner is a college of education. Feeling aggrieved by the action of the respondents in demanding affiliation and other fees of Rs.2,40,000/- for hundred students for the academic year 2010-2011. The petitioner contends that there is absolutely no basis for the respondent in making the demand. Reliance is placed upon a judgment of this Court in W.P.Nos.27195 of 2007 and batch, dated 08-02-2010.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The respondent-university was constituted in the recent past. Before that, the petitioner institution was affiliated to Acharya Nagarjuna University. The said university levied similar amounts from the colleges of education affiliated to it. The same was challenged in W.P.No.27195 of 2007. Through common judgment, dated 08-02-2010, this Court allowed the writ petitions.

4. Following the same, this writ petition is allowed,

a) setting aside the demand notice issued to the petitioner, on the ground that they are not based on any statute, ordinance or regulation, made under the A.P. Universities Act, 1991;

b) it shall be open to the University to inquire as to whether the petitioner has collected any amount from the students, towards development fee/infrastructure fee, and if it emerges that the fee has been collected, the petitioner shall be under obligation to refund the same to the students, or pay it to the University; and

c) if any statement made by the petitioner in this regard is found to be incorrect, that would, by itself, be a ground to deny

the renewal of affiliation.

5. There shall be no order as to costs. The miscellaneous petition filed in this writ petition shall also stand disposed of.

L. NARASIMHA REDDY, J

December 31, 2012.
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