HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY,THE EIGHTEENTH 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 APPEAL NO: 1159 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 13-09-2024 passed in I.A. No. 1 OF 2024 in W.P No. 20840 of 2024 on the file of the High Court.

Between:

1. Telangana Private Degree College Management Association, H.No.3-5-42/A, Sumitra Nagar, Kukatpally, Medchal-Malkajgiri District, Telangana - 500 072. Rep. by its Vice President, Koradala Naresh
2. Koradala Naresh, S/o.Koradala Mallaiah, Aged 48 years, Occ. Educationalist, R/o. H.No.3-5-42/A, Sumitra Nagar, Kukatpally, Medchal-Malkajgiri District, Telangana - 500 072.

...APPELLANTS

AND

1. State of Telangana, Rep. by its Principal Secretary, Higher Education Department, Secretariat Buildings, Hyderabad
2. Commissioner of Collegiate Education, And the State Project Director, Rastriya Uchchater Shiksha Project (RUSA), State of Telangana, Hyderabad.
3. Telangana State Council for Higher Education, Rep. by its Secretary. JNAFU Building, 1st Floor, Mahaveer Marg, Opp. Mahaveer Hospital, Masab Tank, Hyderabad, Telangana - 500 028.
4. Osmania University, Osmania University Campus, Hyderabad - 500 007. Rep. by its Vice Chancellor.
5. Osmania University, Osmania University Campus, Hyderabad - 500 007. Rep. by its Registrar.

...RESPONDENTS

IA NO: 1 OF 2024

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 stay

the proceedings No.949/Sc/ Acad./2024 dated 18-06-2024 issued by the respondents No.4 and 5 herein pending disposal of the writ appeal

Counsel for the Appellants: SRI. YEMMIGANUR SOMA SRINATH REDDY

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

Counsel for the Respondent NO.2: SRI N. MANOHER SC FOR RUSA

Counsel for the Respondent NO.3: M/S C.VANI REDDY SC FOR TSCHE

Counsel for the Respondent Nos.4&5: SRI CH.JAGANNATHA RAO SC FOR OU

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1159 of 2024

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

Mr. Yemmiganur Soma Srinath Reddy, learned counsel for the appellants.

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

Mr. Ch.Jagannatha Rao, learned Standing Counsel for Osmania University for respondent Nos.4 and 5.

2. In this intra court appeal, the appellants have assailed the validity of the interim order dated 13.09.2024 passed by learned Single Judge in I.A.No.1 of 2024 in W.P.No.20840 of 2024, by which application filed by the appellants seeking stay of operation of the proceeding No.949/SC/Acad./2024 dated 18.06.2024 issued by respondent No.4-Vice Chancellor, Osmania University and

respondent No.5-Registrar, Osmania University has been rejected.

3. Facts giving rise to filing of this appeal briefly stated are that the appellant No.1 is an Association of Telangana Private Degree Colleges. The members of appellant No.1 impart education in Degree Courses in the State of Telangana. Appellant No.2 is an educationalist and has been authorized to act on behalf of appellant No.1.

4. The Executive Council of Osmania University by way of an Ordinance had permitted collection of 'Other Fee' not exceeding a sum of Rs.10,000/- for various courses of study in Private/Unaided Degree Colleges affiliated to it with effect from academic year 2016-17. However, the Registrar of the Osmania University issued a proceeding dated 18.06.2024, which was addressed to Principals of the members of appellant No.1 Association *inter alia* on the ground that the Degree Colleges were permitted to collect a fee upto Rs.10,000/- as other fee from the students with effect from academic year 2016-17. Subsequently, during the year 2023-24, a Committee was constituted by the

University to review the fee structure. The Committee recommended the enhancement of fee from the academic year 2023-24 and also to enhance the fee by 10% every year to overcome the inflations. The recommendations of the Committee were approved by the Executive Council in its meeting held on 01.06.2023 and the Undergraduate fee structure was revised with effect from academic year 2023-24 and 10% of the existing fee has been enhanced for the academic year 2024-25. In view of aforesaid enhancement of fee by 10%, the members of appellant No.1, who run various Degree Colleges in the State of Telangana were informed that they shall not collect other fee for a sum exceeding Rs.7,500/- from the students for the academic year 2024-25 instead of Rs.10,000/- per month. The Principals of the Degree Colleges, who impart education in Degree Courses were directed not to collect any extra amount other than the approved fee structure prescribed by the University.

5. The appellants thereupon challenged the validity of the aforesaid order in a writ petition before the

learned Single Judge. Along with the writ petition, the appellants also made an application namely I.A.No.1 of 2024 seeking stay of operation of the proceeding bearing No.949/SC/Acad./2024 dated 18.06.2024. The aforesaid application has been rejected by the learned Single Judge by an order dated 13.09.2024. Hence, this appeal.

6. Learned counsel for the appellants submitted that the fee has to be recovered from the students in accordance with the fee structure which is approved by the Ordinance. It is further submitted that the Vice Chancellor has no authority to alter or amend an Ordinance and the Executive Council of the University is the competent authority to amend the Ordinance. It is submitted that since the Ordinance has not been amended, the impugned proceeding dated 18.06.2024 is without jurisdiction.

7. We have considered the submission made by learned counsel for the appellants and have perused the record.

8. It is not in dispute that the Executive Council in its meeting held on 01.06.2023 approved 10% of the annual increase in the fee for the academic year 2023-24. It is also not in dispute that for academic year 2024-25, the fee was enhanced by 10% in order to meet the inflation. The learned Single Judge has held that the expression "Other Fee" does not clearly indicate the purpose for which the aforesaid levy of fee was permitted. It has further been held that from the communication dated 01.05.2017 passed by the Registrar, Osmania University, *prima facie* it appears that the colleges were permitted to recover other fee only for the academic year 2016-17. It has further been held that the appellants were permitted to collect other fee even during the academic year 2017-18 did not question its legality in permitting them to collect the other fee even without the approval of the Executive Council approving the same for the said year or subsequent period. The writ petition is pending before the learned Single Judge. It is open for the appellants to move an application for early hearing of the writ petition.