

S. PARINEETA

ADVOCATE

From:
S.Parineeta
Standing Counsel for A P State
Council of Higher Education,
High Court of Andhra Pradesh,
Nelapadu, Amaravati.
Pin 522202

To:
Srivijay Mathukumilli,
Advocate, SF2, IIIrd Floor
Signature Enclave, Greenlands
Road, Labbipet, Vijayawada,
Krishna District, Andhra
Pradesh.

This reply notice is being issued on behalf of Prof.B.Sudheer Prem Kumar, Secretary, A P State Council of Higher Education, for your legal notice dated 18.12.2021 issued on behalf of your clients M/s Rayalaseema Degree Colleges Association.

I intend to reply to your notice with regard to paras 3, 4 & 5 specifically and paras 1 & 2 are not necessary to be replied as they are borne by record.

In terms of Judgment and reference in your contempt notice kindly note the operative para read as under:

"In the result, writ petition (PIL) No. 214 of 2021 and writ petition No. 23662 of 2021 are allowed in part declaring Rule 3 (iv) (b) (c) (h) and 3 (v) of the Andhra Pradesh Private Degree Colleges (Admission of Students into Category - B Seats) Rules 2021 notified in G.O.Ms.No. 55 Higher Education (CE.A2) Department dated 07.10.2021 as illegal, arbitrary and unreasonable, consequently set aside the same. The managements of Private Educational Institutions shall issue notification to fill category - B seats under 30% quota in their institutions and admit the students in accordance with the procedure subject to payment of fee fixed by APHER&MC."

In turn the institutions are mandated to issue notification to fill up 30% category-B management quota seats and there is no consequential direction to the State. The premise of the contempt notice issued to us is based on the understanding that the clearance is to be given by the Government for the said procedure, which is not so in terms of Judgment. The institutions are at

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liberty to issue notification to fill up the category-B seats of 30% quota as directed by the Hon'ble High Court.

In regard to the further course of the above Judgment, the Government is exploring the legal remedies available under law relating to the provisions struck down under the Judgment more particularly, clause 3 (iv) (h) G.O.Ms.No. 55 Higher Education (CE.A2) Department dated 07.10.2021.

In the absence of un-notified procedures for Degree Colleges, the appropriate procedure accorded by law as directed by the Hon'ble High Court may be complied with.

The admissions may be concluded by 10th January, 2022 and with regard to entitlement of fee reimbursement of eligible students admitted under 30% management quota in the institutions, the APSCHC informs that the fee reimbursement to the eligible students under the 30% management quota would be abiding with any further orders in the review/SLP to be filed by the Government against the orders in writ petition (PIL) No. 214 of 2021 and writ petition No. 23662 of 2021 dated 03.12.2021 and inturn the Colleges may inform the eligible students admitted under 30% management quota seats about the same.

Hence, as per the directions given by the Hon'ble High court the Private Unaided College Managements are at liberty to issue notification for 30% Category B seats and accordingly complete the process. As such no specific directions given to Government or its agency in this regard by Hon'ble High court as stated by you in your notice dated 18/12/2021. Therefore your notice of contempt alleging that there is delay on my client's side and other initiatives to be taken to conclude the process of admissions in category B seats is totally devoid of any merit and on the contrary it is the college managements who have to act and comply with the orders passed by Hon'ble High court as per time lines indicated. Therefore, in this background it is brought to your notice that there

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has been no violation of any directions committed by my client for non-implementation of orders issued by the Hon'ble High Court, that too under contempt of court.



Date: 28.12.2021

PARINEETA SURAGANI

ADVOCATE

**SC for A P State Council of Higher Education,
AP High Court, Amarvathi.**

Copy to:

Managements of all Private Unaided and Aided Degree Colleges offering unaided programmes in the state of A.P, to appraise the student at the stage of admission itself that their entitlement to fee re-imburement is subject to further order of Hon'ble High Court and Supreme Court.