

[3166]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

IA No. 1 OF 2025

IN

WP NO: 1945 OF 2025

Between:

Telangana Private Junior College Management Association, O/o. 21St Century Complex, 3rd floor, Opp. Board of Intermediate, Nampally, Hyderabad
Represented by its President Sri Gouri Satish S/o. Late Gouri Ramaiah, Occ.Business

...Petitioner
(Petitioner in WP 1945 OF 2025
on the file of High Court)

AND

1. The State of Telangana, Rep. by its Principal Secretary, Education Department, Secretariat, Hyderabad.
2. The Secretary, Telangana Board of Intermediate Education (TGBIE) Govt. of Telangana, vidhyabhavan, Nampally, Hyderabad - 500001, Telangana, India.

...Respondents
(Respondents in-do-)

Counsel for the Petitioner: M/S D.MANI CHANDANA

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

Counsel for the Respondent No.2: ADDITIONAL ADVOCATE GENERAL

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents to refrain from imposing or collecting exorbitant penalties from colleges of Petitioner's Association operating in mixed occupancy buildings for the academic year 2024-2025 by allowing the Petitioner associated colleges to login the portal without seeking penalties to endure smooth conduct of examinations and other academic activities, Pending disposal of WP No.1945 of 2025, on the file of the High Court.

ORDER:

Heard learned Counsel for the petitioner and the learned Government Pleader for Higher Education and the Additional Advocate General and perused the record.

Firstly, it is to be noted that the present Writ Petition is filed by an Association stated to be consisting of various colleges as its members

and not by any aggrieved party. Thus, maintainability of Writ Petition as filed needs to be gone into.

Secondly, the petitioner has pleaded urgency claiming that on account of respondent issuing proceedings only on 15.01.2025, the students who have sought admission into the petitioner's member colleges were not able to pay examination fee in time and claim that by the present Writ Petition, they are only seeking to protect the interest of the students who are required now to pay an additional amount of Rs.2,500/- as late fee for writing final examination scheduled to be held in the month of March, 2025.

It is the further case of the petitioner that though the Government had issued G.O.Ms. No.4 dated 15.01.2025 granting exemption for a period of one year from requirement to obtain Fire NOC under Telangana Fire Service Act, 1999, the respondent authorities are continuing to impose penalty and also not granting recognition to the petitioner's member colleges, resulting in the students who have secured admission into petitioner's member colleges not being able to pay the examination fee in time. Thus, it is contended that petitioner is only seeking protection from the imposition of late fee for payment of examination fee.

Per contra, learned Additional Advocate General appearing on behalf of respondents would submit that vide communication dated 25.11.2024 issued by the 2nd respondent, the due dates for payment of examination fee was notified and the last date for payment of examination fee without any late fee was from 27.11.2024 to 03.12.2024.

Learned Additional Advocate General would further submit that payment of examination fee beyond the above mentioned date was also permitted with different amount as late fee ranging from Rs.100/- to Rs.2,000/- upto 02.01.2025.

Learned Additional Advocate General further submits that the respondent authorities by press release dated 17.01.2025 had extended the last date for payment of examination fee with a late fee of Rs.2,500/- upto 25.01.2025.

Learned Additional Advocate General would also submit that the penalties levied by the respondent authorities on petitioner's member colleges has nothing to do with the payment of examination fee, including late fee.

Learned Additional Advocate General would contend that since the petitioner's member colleges have admitted students without having recognition, the respondent authorities have levied penalties and the petitioner by the present Writ Petition are only trying to link the penalties levied for admitting the students without recognition, to the payment of examination fee beyond the cut off date notified without late fee payment charges.

I have taken note of the respective contentions urged.

Though on behalf of the petitioner it is contended that on account of levy of penalty by the respondents, the students who have secured admission into petitioner's member colleges are unable to make payment of the examination fee in order to sit for of 1st and 2nd year Intermediate examination to be held in the month of March, 2025, as it is now stated to this Court, that the petitioner's member colleges would pay penalties as imposed by the respondents and that the petitioner's member colleges are only seeking for waiver of late fee of Rs.2,500/- to be paid by each of the student for non-payment of examination fee in time in terms of notification dated 25.11.2024, keeping the interests of students in mind this Court is of the view that while the petitioner's member colleges are to be directed to pay the penalty amount as per the notices issued/reflected in the website of the respondents, the respondent authorities are to be directed to accept the examination fee payable by the student without insisting for late fee, subject to condition the penalties imposed and normal examination fee is paid on or before 25.01.2025 by each of the petitioner's member colleges.

Further, insofar as payment of late fee of Rs.2,500/- per student is concerned, each of the petitioner's member colleges, shall furnish a Bank Guarantee from a Nationalised Bank of amount equivalent to number of students @ Rs.2,500/- per student on or before 28.01.2025.

On the petitioner making the payments as mentioned above and also furnishing bank guarantee on or before 28.01.2025, the respondent

authorities shall process the application and allow the students studying in the petitioner's member colleges to take/sit in final examination to be held in March, 2025.

List on 28.01.2025.

SD/-L.LAKSHMI BABU
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Education Department, State of Telangana, Secretariat, Hyderabad.
2. The Secretary, Telangana Board of Intermediate Education (TGBIE) Govt. of Telangana, vidhyabhavan, Nampally, Hyderabad - 500001, Telangana, India. (Sl Nos.1 & 2 By RPAD)
3. One CC to M/s. D.MANI CHANDANA, Advocate [OPUC]
4. Two CCs to GP FOR HIGHER EDUCATION, High Court at Hyderabad. [OUT]
5. Two CCs to ADVOCATE GENERAL, High Court at Hyderabad. [OUT]
6. One spare copy

HIGH COURT

TVK,J

DATED:24/01/2025

LIST ON 28.01.2025

ORDER

**IA NO.1 OF 2025
IN
WP.No.1945 of 2025**

DIRECTION

