

THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 19573 OF 2025

Between:

1. Chaitanya Bharathi Institute of Technology Society, Registered under A.P. Societies Registration Act No. 35/2001, Rep. by its President, Sri. N. Subash, S/o. Late N.M. Choudhary, aged about 62 years, CBIT Campus, Kokapet Village, Rajendranagar Mandal, R.R. District, Hyderabad-500 075.
2. Chaitanya Bharathi Institute of Technology, Rep. by its Principal, Dr. C.V. Narasimhulu, S/o. Late C. Venkata Subbaiah, aged about 52 years, CBIT Campus, Kokapet Village, Gandipet Mandal, R.R. District, Hyderabad-500 075.

Petitioners

AND

1. The State of Telangana, Higher Education (TE) Department, represented by its Principal Secretary to Government, Secretariat, Hyderabad-500022.
2. The Telangana Admission and Fee Regulatory Committee, represented by its Member Secretary, 2nd Floor, J.N.A and F.A.U Campus, Opp. Mahaveer Hospital, Mahaveer Marg, Masab Tank, Hyderabad - 500 028,
3. Telangana State Council of Higher Education, represented by its Secretary, 1st Floor, J.N.A and F.A.U Campus, Mahaveer Marg, Opp. Mahaveer Hospital, Hyderabad-500 028,
4. Osmania University, represented by its Registrar, Osmania University Campus, Hyderabad-500 007.
5. Convenor-Admissions, TGEAPCET, Sankethika Vidya Bhavan, Masabtank, Hyderabad - 500 028.

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 any appropriate writ, order or direction, more particularly one in the nature of the Writ of Mandamus.

a. Declaring the G.O.Ms. No. 26 dated 30/06/2025 issued by the 1st Respondent unilaterally fixing and notifying the fee as determined/fixd for the block period of 2022-2023 to 2024-2025 to continue for the upcoming academic year of 2025-2026, purportedly on the recommendations of the 2nd Respondent vide letter dated 18/06/2025, pursuant to the meeting held by the 2nd Respondent on 18/06/2025, as being ultra vires, arbitrary, manifestly arbitrary, unconstitutional, illegal, vitiated by perversity, and having irrational conclusions of the Respondents in not fixing and notifying the fees of Rs.2,23,000/-, Rs.1,51,600/-, and Rs.1,40,000/- as actually determined by the 2nd Respondent for the Petitioner Institution in the block period of 2025-2026 to 2027-2028 in respect of the B.E/B.Tech, M.E./M.Tech, and

MBA/MCA courses, respectively, and being in complete violation of the settled law declared by the Honourable Supreme Court of India, and by this Honourable Court, and the Telangana Educational Institution (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983 and the Telangana Admission, and Fee Regulatory Committee (for Professional Courses offered in Private Unaided Professional Institutions) Rules 2006, and set aside such action.

b. Consequently, direct the Respondents to fix and notify the fees of Rs. 2,23,000/-, Rs.1,51,600/-, and Rs.1,40,000/- as actually determined by the 2nd Respondent for the Petitioner Institution in the block period of 2025 - 2026 to 2027 - 2028 in respect of the B.E/B.Tech., M.E./M.Tech. and the MBA/MCA courses, respectively, while reserving the liberty of the Petitioner Institution to challenge such fixation on merits with the entire gamut of grounds available in law to it once such fee is notified, for the purpose of fixing a proper fee structure that considers and includes justifiable expenditure heads.

IA NO: 2 OF 2025

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 permit the Petitioner Institutions to collect the fee of Rs. 2,23,000/-, Rs. 1,51,600/-, and Rs. 1,40,000/- as actually determined by the 2nd Respondent for the Petitioner Institution in the block period of 2025-2026 to 2027-2028 in respect of the B.E/B.Tech, M.E./M.Tech, and MBA/MCA courses, respectively, pending disposal of WP 19573 of 2025, on the file of the High Court.

IA NO: 1 OF 2025

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 5th Respondent to include a notification on the TGEAPCET Website as regards the presently collectable fee of Rs.2,23,000/-, Rs.1,51,600/-, and Rs.1,40,000/- as actually determined by the 2nd Respondent for the Petitioner Institution in the block period of 2025-2026 to 2027-2028 in respect of the B.E/B.Tech, M.E./M.Tech, and the MBA/MCA courses, respectively, and to put it to the notice to all the students at the time of exercising options as per the counselling schedule released by the 5th respondent herein, pending disposal of WP 19573 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri T R V S S V PRASAD Advocate for the Petitioners, Mr. T. Sharath, Assistant Government Pleader for Higher Education Department for respondent Nos.1 and 3, Mr. G. Chandrashekar Reddy, standing counsel for the Telangana Admission and Fee Regulatory Committee (for short 'TAFRC') for respondent No.2, Mr. Peddi Srinivas Reddy, standing counsel for the Osmania University (OU) for respondent No.4.

The Court made the following.

ORDER:

Heard Mr. TRVSSV Prasad, learned counsel for the petitioners, Mr. T. Sharath, learned Assistant Government Pleader for Higher Education Department, appearing for respondent Nos.1 and 3, Mr. G. Chandrashekar Reddy, learned standing counsel for the Telangana Admission and Fee Regulatory Committee (for short 'TAFRC'),

appearing for respondent No.2, Mr. Peddi Srinivas Reddy, learned standing counsel for the Osmania University (OU), appearing for respondent No.4.

Learned counsel for the petitioners submitted that the Government is bound by the recommendations of respondent No.2 - TGFRC as per the G.O. Ms.No.6, Higher Education (EC.2) Department, dated 08.01.2007. The fee of the petitioner No.2 - College for the block period of 2022-23 to 2024-25 was fixed as Rs.1,65,000/- for B.E./B.Tech. Course, Rs.1,10,000/- for the MBA and MCA courses, per student per annum. Respondent No.2 has conducted detailed enquiry in accordance with G.O. Ms.No.6 dated 08.01.2007 and enhanced fee to Rs.2,23,000/- for the Under Graduate B.E./B.Tech. course, Rs.1,51,600/- for the Post Graduate M.Tech. course, Rs.1,40,000/- for the Post Graduate MBA/MCA course, per student per annum, for the block period 2025-26 to 2027-28 which is evidenced by the RTI application of the petitioner No.2 dated 25.06.2025, and further confirmed by the register maintained by respondent No.2.

Learned Assistant Government Pleader for Higher Education seeks time to get instructions.

Learned standing counsel for the TAFRC, appearing for respondent No.2, submitted that fees was fixed by the authority and recommendations were submitted to the Government, and it is for the Government to accept such recommendations or not.

Learned standing counsel for the OU, appearing for respondent No.4, submitted that as per the Rule 4 (v) of the G.O. Ms.No.6 dated 08.01.2007, the Government has power to revise the fees basing on the recommendations of respondent No.2 and in a given case may not accept the fees fixed by the TAFRC.

However, learned counsel for the petitioners submitted that respondent No.2 is a statutory authority under G.O. Ms.No.6 and the recommendations of respondent No.2 have to be notified and the Government does not have any say in the matter.

On reading the impugned G.O. Ms.No.26, Higher Education (TE) Department, dated 30.06.2025, it is seen that a general order has been passed by the Government stating that the fees fixed for the Private Unaided Professional Colleges for the earlier block period of 2022-25 shall continue until committee appointed by the Government examines the parameters for fee fixation and suggest revised parameters as per the orders of the Hon'ble Supreme Court and High Court.

It needs to be examined whether the exercise undertaken by respondent No.2, keeping in view of the financial feasibility of the petitioners thereby determining the fees as Rs.2,23,000/- for the Under Graduate B.E./B.Tech. course, Rs.1,51,600/- for the Post Graduate M.Tech. course, Rs.1,40,000/- for the Post Graduate MBA/MCA course, can be ignored and general order can be passed to continue the fee fixed for the block period of 2022-25.

Prima facie, the impugned G.O. dated 30.06.2025 which is general in nature would cause substantial hardship to the petitioners - institution and is contrary to the provisions of the G.O. Ms.No.6 dated 08.01.2007.

In the above circumstances, (i) Respondent No.5 - Convenor, Admissions, TGEAPCET, is directed to update the fee collectable by the petitioner No.2 - College as Rs.2,23,000/- for the Under Graduate B.E./B.Tech. course, per student per annum, for the block period of 2025-26 to 2027-28, in the official website of TGEAPCET and, (ii) The petitioners are permitted to collect the fees of Rs.2,23,000/- for the Under Graduate B.E./B.Tech. course, Rs.1,51,600/- for the Post Graduate M.Tech. course, Rs.1,40,000/- for the Post Graduate MBA/MCA course, per student per annum, for the block period of 2025-26 to 2027-28, pending disposal of the writ petition.

It is made clear that collection of fees at the above rate shall be subject to further orders of this Court.

Respondents shall file counter by the next date of hearing.

List the matter on 30.07.2025.

SD/-K.AMMAJI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary to Government, State of Telangana, Higher Education (TE) Department, Secretariat, Hyderabad-500022.
2. The Member Secretary, Telangana Admission and Fee Regulatory Committee, 2nd Floor, J.N.A and F.A.U Campus, Opp. Mahaveer Hospital, Mahaveer Marg, Masab Tank, Hyderabad - 500 028.
3. The Secretary, Telangana State Council of Higher Education. 1st Floor, J.N.A and F.A.U Campus, Mahaveer Marg, Opp. Mahaveer Hospital, Hyderabad-500 028.
4. The Registrar, Osmania University, Osmania University Campus, Hyderabad-500 007.
5. Convenor-Admissions, TGEAPCET, Sankethika Vidya Bhavan, Masabtank, Hyderabad - 500 028.
(For 1 to 5 by RPAD)
6. One CC to Sri T R V S S S V Prasad Advocate [OPUC]
7. Two CCs to GP FOR HIGHER EDUCATION, High Court at Hyderabad. [OUT]
8. One spare copy

HIGH COURT

BVR,J

DATED:09/07/2025

LIST ON 30.07.2025.

ORDER

WP.No.19573 of 2025

DIRECTION

