

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE M. SATYANARAYANA MURTHY

W.P(PIL)No.67 of 2021

(Through physical mode)

Sri Pattan Hussain Khan,
S/o.Late Vazir Khan, aged about 49 years,
Occ: Editor of Rajadhani Vartalu,
R/o.Door No.3-30/A, Rayapudi Village – 522237,
Thullur Mandal, Guntur District A.P. ...Petitioner

Versus

The State of Andhra Pradesh,
Rep. by its Chief Secretary,
Secretariat, Velagapudi at Amaravathi,
Guntur District, A.P. & others. ... Respondents

Counsel for the petitioner : Mr. D.S.N.V.Prasad Babu

Counsel for the respondent No.1 : GP for GAD

Counsel for the respondent Nos.3 & 4 : GP for Social Welfare

Counsel for the respondent No.2 : GP for Higher Education

ORAL ORDER

Dt: 22.11.2021

(per Prashant Kumar Mishra, CJ)

The petitioner has questioned inaction of the respondent authorities in reimbursing the fees to the Engineering 2nd year students, for the Academic Year 2019-20, as being illegal, arbitrary, and consequently seeks a direction to the respondents to reimburse the fees, for the said academic year.

2. The respondent No.3 has filed counter-affidavit and additional counter-affidavit as well duly furnishing the details of the fees

reimbursement to the students and the pending applications also. Para-2 of the additional counter-affidavit reads as follows:

"I submit that in compliance to the orders of the Hon'ble Court dated 20.09.2021 to file additional counter, it is respectfully submitted that the government already released fees to all students of 2019-20 academic year, whose applications were eligible in April 2020, as already submitted in para-3 of the counter affidavit filed before the Hon'ble High Court. In case of all applications of 2019-20 academic year under Post Matric Scholarship and 2nd year engineering course students of 2019-20 academic year, the following is the status submitted by the Director of Social Welfare;

(A) For all applications of 2019-20 academic year:	
Total No. of applications which were filed	12,42,135
No. of applications which reached eligibility stage in time	9,93,454
No. of applications which were released fee by the Government	9,93,454
Amount released by Govt. for the above applications	Rs.2432.93 crore
Applications which reached eligibility stage late and are pending for release (Apart from these, for another 38,340 applications, part fee has to be released totalling to 1,19,281 applications)	80,941
Amount pending to be released for these applications	Rs.210.41 crore
Applications of Private PG student which are kept on hold in view of orders of the Government (Vigilance enquiry is under process)	75,180
Applications which are identified as not eligible	28,962
Applications which are not processed fully by the students/colleges within prescribed timelines and hence rejected	63,598

(B) For the applications of 2 nd year Engineering students of 2019-20 academic year, which is the subject matter of PIL No.67 of 2021.	
Total No. of applications which were filed	72,217
No. of applications which reached eligibility stage in time	65,592
No. of applications which were released fee by the Government	65,592
Amount released by Govt. for the above applications	Rs.379.99 crore
Applications which reached eligibility stage late and are pending for release (Apart from these, for another 1248 applications, part fee has to be released totalling to 3408 applications)	2160
Amount pending to be released for these applications	Rs.17.94 crore
Applications which are identified as not eligible	2559
Applications which are not processed fully by the students/colleges within prescribed timelines and hence rejected	1906

The statement made in the additional counter-affidavit of respondent No.3, as extracted above, would demonstrate that 9,93,454 applications had already been processed and the amount had been released by the Government, whereas 80,941 applications are yet to be processed because those applications have submitted belatedly by the concerned students. There are some other applications, which are not processed for some other reasons, including pendency of vigilance enquiries.

3. On perusal of the statement, we are of the considered opinion that late submission of applications may be on account of different situations beyond the control of students, including Covid-2019 pandemic. For such reasons, students should not be made to suffer, inasmuch as, non-payment of reimbursement of fees, for an academic year, may hamper their studies. Therefore, we are directing the respondents to release reimbursement fees to those students whose applications were received

late by the concerned authorities. Let it be done within a period of four weeks from today. Similarly, in respect of 75,180 students, the vigilance enquiry is under process. This may also be completed within the same time frame. The students, whose applications are not processed as the same were not submitted within the prescribed timeline, would be at liberty to prefer an appeal before the competent authority. We hope that if such appeals are preferred by such individual eligible students, the same shall be considered sympathetically.

4. With the above directions, the writ petition is disposed of. No costs. Pending miscellaneous applications, if any, shall stand closed.

PRASHANT KUMAR MISHRA, CJ M.SATYANARAYANA MURTHY, J

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