

SUPREME COURT OF INDIA

A.P. Private Engineering College Management Association Versus

Vs

Govt. of A.P.

W.P. (C) No. 163 of 1998

(Dr A.S. Anand and D.P. Wadhwa, JJ.)

28.08.1998

ORDER

Dr A.S. Anand, J.

1. In this writ petition filed by the Association of Private Engineering Colleges in Andhra Pradesh, the following prayers have been made:

“(a) direct grant of NRI/foreign quota for private engineering colleges in the State of A.P. at 5% with the liberty to admit others within this quota in case NRI/foreign students are not available and the seats are vacant, until the judgment of this Hon’ble Court in Unnikrishnan case is reviewed;

(b) issue a writ of mandamus to the respondent as in prayer (a); and (c) pass such further or other order or orders as this Hon’ble Court may deem fit on the facts and circumstances of the case.”

2. Upon notice being issued, counter has been filed by Shri A.K. Goyal, Secretary to Government, Education Department, Secretariat, Hyderabad. In the counter-affidavit, it is stated that the orders made in Unnikrishnan case were modified by this Court on 14-5-1993 when it was clarified that it shall be open to the management of the private colleges to admit the NRI students to the extent of 5% of the total intake on a fee structure for the NRIs to be fixed by a committee. Subsequently, on 9-8-1996, another order came to be made by this Court, which confirmed the directions earlier issued on 14-5-1993 and also provided that in the event the seats reserved for NRI candidates in 5% quota are not filled up, the non-NRI candidates could be admitted against that quota. The State Government, subsequently, issued orders vide GOMs No. 428 dated 24-12-1997, permitting the management to fill up 5% seats under the NRI quota and also to take non-NRI students in case that quota was not filled up by the NRI students. These directions were, however, made subject to the final orders to be made by this Court in the pending cases.

3. Directions have been issued by this Court on year-to-year basis regarding the 5% seats of NRI quota. The Government has also provided the ^ criteria for admission of the non-NRIs against the unfilled 5% seats of the NRIs and the fee structure regarding these seats.

4. After hearing learned counsel for the parties, we direct that the State of Andhra Pradesh shall allow the 5% NRI quota in the private engineering colleges in the State of Andhra Pradesh to be filled up in the manner earlier directed by this Court and to permit the management of the private engineering colleges to fill up the unfilled NRI quota, at its own discretion, subject, however, to the criteria of merit, qualification and fee structure — as prescribed by the Government not only for the current academic year but also for successive academic years, till the main matter is decided by this Court in the pending cases. .

5. The writ petition is allowed in the above terms. No costs.

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Unnikrishnan P.J. v. State of A. P¹.

¹ (1993) 4 SCC 111