



TELANGANA ADMISSION AND FEE REGULATORY COMMITTEE

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MEMO

Hearing of W.P.No. _____ before the Division Bench consisting of the Hon'ble Sri Justice M.S.Ramachandra Rao and Hon'ble Sri Justice Laxman request to post the matter before any other Hon'ble Court.

Judging from the series of the circumstances right from hearings of the Writ petitions relating to the fixation of fees by the TAFRC (the numbers of the writ petitions are not readily available -filed by Vasavi Engineering College and Sreenidhi Institute of technology and science). I am firmly of the opinion that Hon'ble Sri Justice M.S. Ramachandra Rao (MSR, J) is prejudiced against Telangana State, Telangana People, particularly against Telangana Admission and Fee Regulatory Committee (TAFRC), as well as against me (Justice P.Swaroop Reddy) the Chairman, TAFRC.)

Two writ petitions referred to above, the matters were posted before a learned single Judge and were later posted before the Bench of MSR,J. for admission, apparently on the instructions of the HCJ, when the learned single judge wanted to post the same

elsewhere. Instead of admitting and passing any interim orders, the learned Judge (MSR, J.) went on insisting the respondents-Government of Telangana and the TAFRC to file counters for disposing the matters in great haste, though as per Roster the cases did not pertain to his subjects.

There cannot be any objection for the judicial order passed. However in the order unnecessary comments are made about TAFARC (indirectly against me (PSR, J.).

For a very small reason of one of the officers of AFRC issuing a reply to a telegram sent by a student/ parent with regard stoppage of payment of fee. contempt was taken against the Members of the TAFRC (not against me-Chairman, as the usual practice is to take contempt only against the executive Officers). Thereafter, after an incident has taken place between us – myself and MSR, J. at the residence of a retired HCJ, where MSR, J. made criticism of Telangana People. Its Chief Minsiter and the state and also a sitting judge of the Hon'ble Supreme Court (who was a my colleague in my Senior's office). As the details of the above incidents are lightly embarrassing I am not mentioning the same here and if necessary I would mention the same in a detailed affidavit that I will file if necessary. When the contempt matter came up for the first time after the above incident, MSR, J., issued contempt notice to me (PSR, J.), as the Chairman of TAFRC). There were no further development with regard to the case, within these days.

In a writ petition heard with regard to fee for medical colleges, whether it is for 4 ½ years or five years, the learned judge – MSR, J. has apparently made much unwarranted comments about TAFRC and the Government. The learned Government Pleader has brought these comments/observations in writing to the notice of the TAFRC asking

us to modify the recommendations to avoid the wrath of the Courts. WE did not accept for the same and the committee of TAFRC discussed the matter and sent a mild protest letter to the Hon'ble High Court against the comments made across the Bench. The same were brought to the notice of the Hon'ble Court of MSR, J., as evident from the certain observations made in the final order. In that order made in that writ petition, when we took a plea that the petitioner has no locus standi, the learned Judge made observations saying that the TAFRC is hostile against the petitioner, though we did not say anything in our letter, other than saying that the petitioners has no locus standi. In this case the Special Secretary to Government, Health, Family Welfare and Medical Department, Government of Telangana, who is the member-Secretary of TAFRC was made to stand in the Hon'ble Court for substantial time, though even her presence it not essential. Such an action of making a senior officer stand in the court is against the order of the Hon'ble Supreme Court as reported (the citation would be submitted latter).

In the recent writ petition WP.No. _____ disposed of on _____ the learned Judge (MSR, J) made unnecessary observations saying that the AFRC has recently doubled the fee of Post Graduate Medical Admissions and he is taking judicial notice of the same.

Even when the present writ petitions are posted before a learned single Judge, I am informed, that those writ petitions were got posted before the Hon'ble Division Bench consisting of MSR, J. on the same day, though the subject matter pertains to fee fixation and has nothing to do with regard to medical admissions. As per the Roster, the fee fixation matters are to be heard by a learned single Judge, as informed

to me. By hearing the matter by a Hon'ble Division Bench, the parties would be deprived of their right of appeal.

In the present writ petition, there are as many as 121 petitioners and none of them have even stated before the Hon'ble Court that they have got through NEET and they made application for admission into PG courses. That being so, perhaps they have no locus standi for filing the writ petition. When the learned Standing counsel of TAFRC requested for two days time for filing certain material in view of the present circumstances, the learned MSR, J. seems to have made certain comments.

All the above circumstances show that the Hon'ble Judge (MSR, J) is highly prejudiced against Telangana State, Telangana People and particularly TAFARC.

I am not worried about the result of the writ petitions. The TAFRC has fixed the fee as per the norms – by a Committee consisting of the Special Chief Secretary, Medical and Health Department (member-secretary of the Committee), Vice Chancellor, KNUHS; Chairman of Telangana State Council of Higher Education and a Chartered Accountant etc.

It is further stated that a mandatory stipend of RS.45,000-00 (I do not remember well) has to be paid to the students by the institutions. As such the fee has to be necessarily enhanced. What I am worried is not about the result of the writ petition on merits, as we have fixed the fee on the basis of statistics, the court may take appropriate action, if there is any mistake. But what I am worried is the likely comments that the hon'ble Judge (MSR, J) may make across the Bench or in the order to be passed against the State of Telangana and TAFRC and myself (PSR, J) either directly or indirectly. Thus there is reasonable apprehension for the judging from the circumstances referred to above.

It is submitted that I have been tolerating all this till now, as when I intended to initiate action, even at the first instance, when a contempt notice was issued after the first instance at the residence of a retired Hon'ble Chief Justice, I was advised by the Hon'ble Senior Judges, whom I have contacted, not to get all these things on record, as it may effect the image of the judiciary in public eye. I can no longer tolerate these kind of embarrassments.

I request the matter to be instead, before any other appropriate court.

It is further stated that a mandatory stipend of Rs.4,500-00 a month (I do not exactly remember) has to be paid to the students which has to be necessarily increased.

What I am worried is the likely comments that the Hon'ble Judge may make across the Bench or in the order to be passed against the State of Telegram and the TAFARC and its members.

This is the reasonable apprehension, judging from the circumstances referred to above and all the observations made by the Hon'ble Judge when the matters pertaining to TAFRC came up before him, in the earlier matters.

It is submitted that I have been tolerating all these when I intended to initiate action about the same, I am advised by the senior Hon'ble Judges not to get all these things on record, because it might affect the reputation of the judiciary. But I can no longer tolerate these kind of embarrassing as stated above.



Copy submitted to the
Hon'ble Chief Justice, High Court of Telangana,

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