THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL Nos.572, 573, 574, 575, 576, 577, 601 and 602 of 2025

COMMON JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*

Learned Senior Counsel Sri D. Prakash Reddy and learned Senior Counsel Sri S. Niranjan Reddy, representing Sri Tarun G. Reddy, learned counsel for the appellants; Sri A. Sudarshan Reddy, learned Advocate General assisted by Sri S. Rahul Reddy, learned Special Government Pleader appearing for respondent Nos.1, 2, 3, 5 and 6 and Sri M.Mehboob Ali, learned Standing Counsel for All India Council for Technical Education (AICTE), for respondent No.4.

2. Regard being had to the similitude of the questions involved, on the joint request of learned counsel for the parties, the matters are analogously heard and decided by this common judgment.

3. In W.A.Nos.572, 573, 574, 575, 576 and 577 of 2025, the challenge mounted is to the common order passed by learned Single Judge in W.P.No.23539 of 2024 and batch, dated 02.05.2025, which were disposed of along with other writ petitions. In W.A.Nos.601 and 602 of 2025, the challenge mounted is to the

common order passed by the learned Single Judge in W.P.No.23541 and 23654 of 2024, dated 13.06.2025.

FACTS OF THE CASE:

4. Admittedly, for present dispute between the parties, the parties have fought a long drawn battle in the corridors of the Court. The matter has a chequered history. However, for adjudication of these writ appeals, it is not necessary to go beyond the previous order passed by a Division Bench of this Court in W.A.No.953 of 2024 and batch decided on 13.08.2024.

5. In nutshell, in W.A.No.953 of 2024, which was the second visit of the appellants to this Court, the challenge was to the order dated 26.07.2024, whereby the prayer of the appellants for increase in intake of the seats in existing courses was declined.

6. Indisputably, the All India Council for Technical Education (AICTE) approved the demand of intake of seats in the appellants' institutions. The Jawaharlal Nehru Technological University (JNTU) gave No Objection Certificate (NOC) on 21.03.2024. Despite the approval of AICTE and NOC of JNTU, since the request of additional intake of seats was rejected, the writ petition was filed,

which came to be dismissed and the order of the learned Single Judge was called in question in W.A.No.953 of 2024 and batch.

7. In W.A.No.953 of 2024, this Court found that the decision making process adopted in passing the impugned order was defective and therefore, the said order was set aside by directing the respondents therein to take a fresh decision on the claim of the appellants in accordance with law. In turn, the respondents therein passed the order dated 24.08.2024, which became the subject matter of challenge in the instant writ petitions. The learned Single Judge, after hearing both the parties, dismissed the writ petitions, which became the subject matter of challenge in this round of litigation in the writ appeals.

CONTENTION OF THE APPELLANTS:

8. It is the common stand of Sri D. Prakash Reddy and Sri S. Niranjan Reddy, learned Senior Counsel, that the constitutionality of Section 20 of the **Telangana Education Act, 1982** (hereinafter referred to as 'the **Education Act**'), is not called in question and the said provision has already been declared as *intra vires* by the Supreme Court. The impugned order is called in question mainly on twin grounds: **i)** the respondents have not

prepared any policy for the purpose of taking a decision as per Section 20 of the Education Act; **ii)** On one hand, the request of the appellants for additional intake of seats in Computer Science Engineering (CSE) and Information Technology (IT) has been rejected and on the other hand, in the same District of Medchal-Malkajgiri, such increase of seats was permitted for various collages.

9. The whole argument relating to discrimination is founded upon a table/statement showing the approved admission intakes of CSE and CSM branches in respect of Medchal-Malkajgiri District for the academic year 2024-25 as on 20.08.2024 and further after internal sliding on 23.08.2024.

10. Sri D. Prakash Reddy, learned Senior Counsel, submits that in order to transparently apply the power flowing from Section 20 of the Education Act, it was obligatory for the State to prepare a policy. In absence of such a policy, there exists a scope for arbitrariness and discrimination and hence arbitrary exercise of power without there being any policy is bad in law.

11. The common ground taken by both the learned Senior Counsel for the appellants is that a plain reading of the

table/statement shows that for the appellants' institutions whose names find place at Sl.Nos.1 (CMR Technical Campus), 4 (CMR Engineering College), 10 (CMR College of Engineering and Technology), 12 (St.Martin's Engineering College), 14 (Malla Reddy College of Engineering and Technology), 17 (Malla Reddy College of Engineering), 18 (CMR Institute of Technology) and 20 (MLR Institute of Technology), the increased intake is shown as '0', whereas for other institutions whose names figure at Sl.Nos.3 (Nalla Narasimha Reddy Education Society's Group of Institutions), 5 (ACE Engineering College), 6 (Nallamalla Reddy Engineering College), 7 (St. Peter's Engineering College), 9 (Hyderabad Institute of Technology and Management), 15 (DRK Institute of Science and Technology), 19 (Geetanjali College of Engineering and Technology), 21 (Kommuri Pratap Reddy Institute of Technology), 25 (Siddhartha Institute of Technology and Sciences), 26 (Samskruthi College of Engineering and Technology), 27 (Malla Reddy Engineering College and Management Sciences), 28 (Vignan's Institute of Management and Technology for Women), 29 (Sreyas Institute of Engineering and Technology), 30 (BVRIT College of Engineering for Women) and 31 (Narsimhareddy Engineering College), increase of seats were permitted. Thus, the appellants were subjected to step-motherly

treatment/discrimination. Even if the appellants could not place any material to show that such discrimination was because of political reason, the discrimination exists and pleadings and evidence are available on record. It is pointed out that the aforesaid statement (page No.305 of the material papers annexed to W.A.No.573 of 2025) is culled out from the data prepared by the State Government and averments were made in this regard in the writ affidavit. There is an evasive reply to the said statement which was duly pleaded and therefore it can be safely presumed that there was no denial to the aforesaid data reproduced in the above statement. Thus, it was strenuously contended that the appellants in whose favour there exists an AICTE recommendation and NOC of JNTU, the Government was not justified in rejecting the same.

12. It was further contended by learned Senior Counsel that the learned Single Judge in the impugned order opined that the recommendation given in favour of the appellants by AICTE is only 'clarification', whereas it should have been 'inspection'. In other words, the learned Single Judge doubted the correctness of AICTE's recommendation. It is the common argument that the correctness and genuineness of the recommendation/approval of AICTE in favour of the appellants was not the subject matter of challenge

before the Writ Court and therefore, the learned Single Judge was not justified in observing regarding the aforesaid in para No.48 of the impugned judgment.

13. It is further submitted that the learned Single Judge has travelled beyond the scope of the finding given in the impugned order dated 24.08.2024. In view of clear discrimination in the matter of increase of intake of students, interference be made and the order of learned Single Judge may be set aside and the appellants' prayer for additional intake as approved by A.I.C.T.E. may be directed to be allowed. In addition, it is submitted that although in W.A.No.1602 of 2024, it was directed that any admission will remain subject to the final outcome of the matter in WP.No.23539 of 2024, the fact remains that the candidates who got admission pursuant to interim order have completed three years and such students need to be protected.

14. Sri S. Niranjan Reddy, learned Senior Counsel, has taken pains to contend that in different districts of the State for different colleges, further seat intake was permitted and even merger of seats of different colleges was permitted. Thus, impugned order is bad in law.

CONTENTIONS OF THE STATE:

15. Learned Advocate General by placing reliance on Section 20 (3) of the Education Act, urged that this provision got stamp of approval from the Supreme Court and therefore, needs to be read as such. The provision used the word "locality" and not "district". Therefore, it is within the province of the Government to decide the question of increase of additional seats etc., on the basis of requirement of the 'locality'. Thus, when the State Government followed the procedure meticulously, the Courts cannot sit in appeal. This was clearly held in W.A.No.953 of 2025.

16. By taking this Court to the decision making process, learned Advocate General submits that the chart/table (Pg.305) is a consolidated chart of institutions of Medchal-Malkajgiri District. The said district is a big district of the State of Telangana which contains different 'localities' such as Bandlaguda, Ibrahimpatnam, Bachupally, Keesara, Patancheru, Bowrampet, and Kandlakoya. Admittedly, the appellants-institutions are in the locality called as 'Kandlakoya'. In Kandlakoya, except one institution, for none other institutions additional intake of seats was allowed. The appellants as per the argument advanced are claiming total 5730 more seats in CSE (I.T), whereas in the entire area the total number of existing

seats in the CSE branch is 5610. The additional intake of 120 seats was permitted in favour of Narsimha Reddy Engineering College with whom the appellants cannot claim any parity. By previous orders the appellants were also permitted to increase the seats and they enjoyed benefits arising thereto.

17. The learned Advocate General supported the impugned order.

18. In rejoinder submissions, the learned Senior Counsel Sri D.Prakash Reddy placed heavy reliance on para Nos.3 and 4 of the impugned order dated 24.08.2024 which reads thus:

> "3. As seen from the data of Admission Statistics of TGEAPCET-2024 before the internal sliding process as on dt:20.08.2024 in the above Annexures, it is clear that there still are vacancies in respect of the courses for which increase is sought by the Appellant College, in the Colleges located in Kandlakoya locality and in the Colleges located in Medchal Malkajgiri District wherein the Appellant College is located. Therefore, there is no discernible need to sanction for merger of courses/increase in intake of B.Tech in CSE at this juncture.
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> 4. The Appellant College has also not furnished proof of the need for merger of courses/increase in intakes of B.Tech in CSE for the A.Y.2024-25 in connection with the requirement of the educational needs of the people in the locality. Further, reduction of intakes in core branches is not in tune with the policy of the Government."
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> (Emphasis Supplied)

19. It is urged that a conjoint reading of these paragraphs makes it clear that the respondents themselves treated and compared the Kandlakoya 'locality' with Medchal-Malkajgiri 'District'. Therefore,

it is not acceptable that the appellants cannot compare Kandlakoya with Medchal-Malkajgiri District. More-so when 'locality' has not been defined anywhere in the Education Act.

20. The parties confined their arguments to the extent indicated above.

21. We have heard the parties at length.

22. Learned Single Judge placed reliance on the judgment of Supreme Court in **Jawaharlal Nehru Technological University Registrar v. Sangam Laxmi Bai Vidyapeet**[1], which is relevant and reproduced below for ready reference:

> **"14.** A bare reading of the aforesaid provisions of Section 20(1) makes it clear that the **survey is conducted so as to identify the educational needs of the locality would definitely include within its ken how many institutions are operating in the area and whether there is any further requirement of opening educational institutions/new courses in existing colleges,** and it is also imperative under Section 20(3)(*a*)(*i*) that educational agency has to satisfy the authority that there is a need for providing **educational facilities to the people in the locality**. In case there are already a large number of institutions imparting education in the **area** the competent authority may be justified not to grant the NOC, for permitting an institution to come up in the area.
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> **15.** The provisions contained in Section 20 are wholesome and intend not only to cater to the educational needs of the area but also prevent the mushroom growth of the institutions/courses. In case institutions are permitted to run each and every course that may affect the very standard of education and may

[1] (2019) 17 SCC 729

> ultimately result in sub-standard education. There is already a paucity of well-qualified teachers in a large number of institutions and the available seats in Pharmacy course in Hyderabad City are remaining vacant every year in spite of the reduction in a number of seats. It had not been possible to fill up the available vacancies due to non-availability of students. Thus, it is apparent that when 30 institutions in Hyderabad City are already running Pharmacy course, the refusal to grant NOC by the University was wholly justified."
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> (Emphasis Supplied)

23. As noticed above, learned counsel for both the parties fairly admitted that Section 20 of the Education Act has been declared as *intra vires* by the Supreme Court. Thus, the impugned order of the Government needs to be decided on the basis of Section 20 of the Education Act as it exists. The relevant portion reads thus:-

> "**20(3)**. Any educational agency applying for permission under sub-section (2), shall,-
> (a) before the permission is granted, satisfy the authority concerned,-
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> (i) that there is need for providing educational facilities to the people **in the locality**;
> (ii) that there is adequate financial provision for continued and efficient maintenance of the institution as prescribed by the competent authority;
> (iii) that the institution is proposed to be located in sanitary and healthy surroundings;"
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> (Emphasis Supplied)

24. A minute reading of sub-section (3) of Section 20 of the Education Act makes it clear that in the event an application is preferred for permission under sub-section (2), before a decision is being taken to grant permission, the authority needs to satisfy itself

regarding need for providing educational facilities to the people 'in the locality'. The lawmakers did not use the word 'District' and instead used the word people in the 'locality'. In the Education Act, the word 'locality' has not been defined. Thus, in common parlance, it is open to the State Government to treat each one of different localities of a particular district as independent 'locality'. In the instant case, they have done so and treated different localities as separate locality. The names whereof are mentioned for example in paragraph No.16 of this order.

25. While interpreting Section 20 of the Education Act in **Sangam Laxmi Bai Vidyapeet** (supra), the Supreme Court, in no uncertain terms, made it clear that survey needs to be conducted so as to identify the educational needs of the locality (paragraph No.14).

26. It is apt to consider the Dictionary meaning of the word 'locality'. In Black's Dictionary, 1976, 'locality' is defined as under:

> "LOCALITY is definite region in any part of space; geographical position. Warnock V. Kraft, 30 Cal.App.2d 1, 85 P.2d 505, 506. 'Place', 'vi-cinity', 'neighborhood' and 'community'. **Con ley v. Valley Motor Transit Co., C.C.A. Ohio, 139 F.2d 692, 693; Lukens Steel Co. v. Perkins, 107 F. 2d 627, 631, 70 App.D.C. 354.**"

27. In P.M.Bakshi – The Law Lexicon 2008 Vol-2, the word 'locality' is defined as under:

> "LOCALITY- 'Locality' means a place with an area which is reasonably small and compact so that it has come to exist and be treated as one unit. A reference to which sufficiently identifies the area and the persons therein. Ordinarily such unit has acquired a name by which it is referred and identified."

28. The Apex Court in **Amarendra Pratap Singh v. Tej Bhadur Prajapati**[2] held as under:

> "Dictionaries can be taken as safe guides for finding out meanings of such words as are not defined in the statute. However, dictionaries are not the final words on interpretation. The words take colour from the context and the setting in which they have been used. It is permissible to assign a meaning or a sense, restricted or wider than the one given in dictionaries, depending on the scheme of the legislation wherein the word has been used. The court would place such construction on the meaning of the words as would enable the legislative intent being effectuated. Where the object of the legislation is to prevent a mischief and to confer protection on the weaker sections of the society the court would not hesitate in placing an extended meaning, even a stretched one. on the word, if in doing so the statute would succeed in attaining the object sought to be achieved. We may refer to Principles of Statutory Interpretation by Justice G.P. Singh (Eighth Edition, 2001) wherein at pp. 279-280 the learned author states- "
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> . . . . .in selecting one out of the various meaning of a word, regard must always be had to the context as it is a fundamental rule that 'the meanings of words and expressions used in an Act must take their colour from the context in which they appear'. therefore, 'when the context makes the meaning of a word quite clear, it becomes unnecessary to search for and select a particular meaning out of the diverse meanings a word is capable of, according to lexicographers'. . .... Judge Learned Hand cautioned 'not to make a fortress out of the dictionary' but to pay more attention to 'the sympathetic and imaginative discovery' of the purpose or object of the statute as a guide to its meaning."

[2] AIR 2004 SC 3782

29. The similar view is taken by the Apex Court in **Commissioner of Income Tax, Andhra Pradesh v. Taj Mahal Hotel, Secunderabad**[3] and **Kichha Sugar Company Limited the Gen.Mang. v. Tarai Chini Mill Majdoor Union, Uttarakhand**[4]. Thus, we find substance in the argument of learned Advocate General that 'locality' cannot be equated with the 'district'.

30. The sheet anchor of argument of learned Senior Counsel for the appellants is based on discrimination. In order to establish discrimination they urged that they categorically pleaded in the writ affidavit about the discrimination and in support thereof, filed a statement (Page No.305) (Annexure-P24) to show the hostile discrimination and stepmotherly treatment meted out to them. If we treat the Mechal-Malkajgiri District as a 'locality', perhaps the argument of learned Senior Counsel for the appellants will gather strength but as discussed above, we are unable to treat a 'district' as a 'locality' in view of clear language employed in Section 20 of the Education Act and intention of lawmakers behind it.

31. The comparison for the purpose of discrimination mentioned in the statement (Annexure-P24) is a wholesome description of

[3] 1971 INSC 196
[4] AIR 2014 SC 898

adjustment/increased intakes. As per Article 14 of the Constitution of India, comparison can be made between similarly situated institutions of same locality. In the instant case, admittedly, the appellants' institutions are in the locality 'Kandlakoya'. On a specific query from the Bench, Sri D. Prakash Reddy, learned Senior Counsel for the appellants, fairly admitted that all the appellants' institutions are situated in Kandlakoya locality. Thus, although Kandlakoya locality falls within the Medchal-Malkajgiri District, needless to mention that the said district is a large district consisting of various localities mentioned hereinabove. Thus, the exercise undertaken by the State locality wise is in consonance with the scheme and object of Section 20 of the Education Act. The appellants cannot claim parity with an institution existing in a difference locality for the simple reason that the need of the locality has to be seen locality wise and not district wise.

32. Interestingly, in the previous round in W.A.No.953 of 2023, this Court made it clear that scope of interference in a case of this nature is very limited. It is apposite to refer to relevant paragraphs, which read as under:

> "18. This Court in exercise of power under Article 226 of the Constitution is basically concern with the validity and correctness of the decision making process. It is within the province of the department to take a decision regarding demand about change of intake of seats and merger of courses. This Court cannot sit in an appeal to decide the aforesaid aspects. We have no hesitation to say that this Court has no expertise on aforesaid aspects and the respondent Department is best suited to take a decision on the aforesaid aspects.
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> 19. So far as decision making process is concerned, as noticed above, it runs contrary to the principles of natural justice. There is no finding as to why the approvals given by AICTE and JNTUC were to be discarded. No reason is assigned as to why the particular claim of the appellants could not find favour with the respondents. The 'reasons' are held to be heart beat of 'conclusions'. In absence of 'reasons', 'conclusion' cannot sustain judicial scrutiny (see M/s.Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan {(2010) 9 SCC 497}.
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> 20. Since the impugned order is passed without examining the case of each of the appellants on the anvil of relevant parameters flowing from the Education Act, the same cannot sustain judicial scrutiny. The learned single Judge, in our opinion, has erred in not examining the validity of impugned order dated 26.07.2024 on the touchstone of principles laid down by the Constitution Bench in Mohinder Singh Gill (supra). The impugned order was required to be examined solely on the basis of reasons mentioned in that order. Consequently, the order of learned single Judge dated 09.08.2024 and the impugned order dated 26.07.2024 are set aside. The Higher Education Department is directed to consider the claims of each of the appellants and take a fresh decision in accordance with law expeditiously."
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> (Emphasis Supplied)

33. So far the decision making process is concerned, the respondents have considered the requests of the institutions for increase of intake and requirements etc., 'locality wise'. Thus, the said decision making process cannot be said to be contrary to law or in breach of Section 20 of the Education Act. For one institution

in Kandlakoya namely Narasimha Reddy Engineering College, the said intake was permitted. However, the additional seat intake is only for 120 seats. So far, the other institutions of Kandlakoya are concerned, no institution was permitted to enjoy the benefit of increased number of seats in CSE/IT. Learned Single Judge opined that the decision making process is in accordance with law and merely because the appellants are enjoying the approval of AICTE and NOC of JNTU, they have no indefeasible right to get benefit of increase of seats. Thus, it is prerogative of the State Government to take decision based on relevant parameters as per Section 20 of the Act.

34. So far discrimination is concerned, learned Single Judge opined that if one institution got the benefit contrary to law, that cannot become example for others to follow. In other words, the learned Single Judge applied the doctrine of 'Negative Equality' and rightly held that one such benefit cannot become example for others to enjoy the benefit of increase of seats. In our opinion, the view taken by the learned Single Judge in this regard in paragraph Nos. 37 and 38 of the impugned order based on the judgment of the Supreme Court in **State of Bihar v. Kameshwar Prasad**

Singh[5] is a plausible view which does not warrant any interference from us.

35. We will be failing in our duty, if we do not consider the argument of Sri D. Prakash Reddy, learned Senior Counsel, based on paragraph Nos.3 and 4 of the impugned order dated 24.08.2024. He strenuously contended that in these paragraphs the Higher Education Department itself treated Kandlakoya locality to be within Medchal-Malkajgiri Districts and compared the both. We do not see any force in this argument for the simple reason that litmus test is laid down in the Section 20 of the Education Act which is locality wise and the Supreme Court while upholding the constitutionality of that provision, made it clear in **Sangam Laxmi Bai Vidyapeet** (supra) that educational needs of the 'locality' needs to be seen. In case of any ambiguity or confusion in the language employed in paragraph Nos.3 and 4 of the impugned order, we must examine the action on the touch stone of the Section 20 of the Education Act. Putting it differently, it is Section 20 which provides the test and the impugned action shows that the said test was correctly applied. Thus, on this count also we find no reason to interfere.

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[5] AIR 2000 SC 306

36. As discussed above, we find no illegality in the order of the learned Single Judge which warrants interference in this *intra*-Court appeal. However, there is another facet which requires our attention.

37. Admittedly, pursuant to interim order passed by this Court, in previous round certain seats were initially increased and accordingly, seats were permitted to be filled up. Few students are already enjoying the benefits and learned Advocate General fairly admitted that if those students are permitted to either complete their present course in the same institutions or they are directed to be admitted in the other institution, the State will have no objection. Learned counsel for the appellants informed that order of this Court in W.A.No.1062 of 2024 and batch was although clear that such admissions will remain subject to outcome of the matter in W.P.No.23539 of 2024, it is noteworthy that the said order of this Court was not interfered with in SLP (C) Nos.21322-21335 of 2024, decided on 20.09.2024. In furtherance of these orders, those students have prosecuted their studies and now they are in the third year. It is a four year course, and therefore, this aspect needs consideration.

38. On humanitarian grounds and in exceptional circumstances mentioned hereinabove, in the fitness of things, we deem it proper to direct that those students who were admitted pursuant to interim order of this Court shall be permitted to complete their courses and order of learned Single Judge will not come in their way in any manner. We give our stamp of approval to remaining part of the order of learned Single Judge.

39. The Writ Appeals are **disposed of** with the observations mentioned hereinabove. There shall be no order as to costs. Interlocutory applications, if any pending, shall stand closed.

SUJOY PAUL, ACJ

RENUKA YARA, J

03.07.2025
VS/SA/NVL/MYK/GVR/TJMR

Note:
L.R.copy be marked.
B/o.GVR