

Registered No. HSE/49.

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THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY
ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS, ETC.

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 25th August, 1982 and the said assent is hereby first published on the 25th August, 1982 in the Andhra Pradesh Gazette for general information :—

ACT No. 11 OF 1982

An Act to establish and incorporate an Open University in the State of Andhra Pradesh and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Thirty-third Year of the Republic of India as follows :—

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Andhra Pradesh Open University Act, 1982.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint.

Definitions.

2. In this Act, and in all statutes and regulations unless the context otherwise requires,—

(a) "academic year" means a period of twelve months commencing on the first day of July of the year or such other period of twelve months beginning on such date as the Executive Council may specify in respect of all the study centres under the control of the University or any particular centre thereof;

(b) "Co-ordinator" means the head of a study centre;

(c) "Correspondence-cum-Contact Programme Student" means student enrolled in any one of the study centres of the University recognised as such by the statutes;

(d) "department" means a department of studies of the University recognised as such by the statutes;

(e) "Director of Higher Education" includes a Joint Director in-charge of Higher Education;

(f) "employee" means any person appointed by the University, and includes teachers and other staff of the University;

(g) "Government" means the State Government of Andhra Pradesh;

(h) "Head of Department" means a teacher of the University responsible for the co-ordination of instruction, training and research in any department;

(i) "prescribed" means prescribed by the statutes or regulations;

THE ANDHRA PRADESH OPEN UNIVERSITY ACT, 1982
(ACT No.: 11 OF 1982)

AS *AMENDED BY ANDHRA PRADESH UNIVERSITY ACTS
AMENDMENT ACT, 1995

(ACT No.: 13 OF 1995)

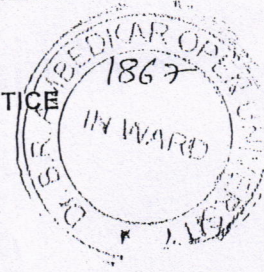
CHAPTER - I : PRELIMINARY

1. (1) This Act may be called the Dr. B.R. Ambedkar Open University Act, 1982. Short title, extent and commencement
- Substituted Vide Section 1 of A.P. University (Amendment Act 1991 (Act No. 27 of 1991)
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint. (1st Nov., 1982 - vide G.O. No. 870 Edn. dt. 30-10-1982)
- * The amendments made by Section 8 of the Andhra Pradesh University Acts (Second Amendment) Act, 1985 came into force on the 11th July, 1985.
2. In this Act, and in all statutes and regulations unless Definitions, the context otherwise requires :- Definitions
- (a) "academic year" means a period of twelve months commencing on the first day of July of the year or such other period of twelve months beginning on such date as the Executive Council may specify in respect of all the study centres under the control of the University or any particular centre thereof;
- * (a-1) "approved institution" means an institution (not being an institution maintained by the University) for imparting instruction in relation to any learning process;
- * (a-2) "authority" means an authority of the University specified in Section 14;
- * (a-3) "committee of courses" means the committee of courses in a faculty;
- *(Inserted vide Section 8(1) (i) of A.P. University Acts (Second Amendment) Act, 1985)
- (b) "Co-ordinator" means the head of a Study Centre,
- (c) "Correspondence-cum-Contact Programme Student" means student enrolled in any one of the study centres of the University recognised as such by the statutes;

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
FRIDAY, THE FOURTH DAY OF SEPTEMBER,
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI DILIP B. BHOSALE, THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE S.V.BHATT



SUO MOTU PIL .NO: 202 of 2015

Between:

Paper publication in Saakshi News Paper dt. 25.07.2015.

..... Petitioner

AND

- 1 Union of India, rep. by its Secretary, Human Resources & Development, New Delhi.
- 2 University Grants Commission, rep. by its Chairman, New Delhi.
- 3 The State of Andhra Pradesh, rep. by its Chief Secretary, Secretariat, Hyderabad.
- 4 The State of Telangana, rep. by its Chief Secretary, Secretariat, Hyderabad.
- 5 The State of Andhra Pradesh, rep. by its Secretary, Higher Education Department, Secretariat, Hyderabad.
- 6 The State of Telangana, rep. by its Secretary, Higher Education Department, Secretariat, Hyderabad.
- 7 Dr. B.R. Ambedkar Open University, rep. by its Vice Chancellor, Hyderabad.
- 8 The Registrar, Dr. B.R. Ambedkar Open University, Hyderabad.
- 9 The Convenor, Dr. B.R. Ambedkar Open University, Hyderabad.
- 10 The Assistant Director, Regional Coordination Centre, Dr. B.R. Ambedkar Open University, Vijayawada, Krishna District, Andhra Pradesh.
- 11 The Controller of Examinations, Dr. B.R. Ambedkar Open University, Hyderabad.
- 12 The Director, Distance Education, Dr. B.R. Ambedkar Open University, Hyderabad.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the News Item of Saakshi News Paper dated 25-07-2015 and 204 letters filed herein, the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus to call for remarks and records from the Respondents herein and to declare the action of the respondents in not extending the services of Dr. B.R. Ambedkar Open University, in the State of Andhra Pradesh since the enactment of A.P. Reorganisation Act, 2014 and thereby jeopardizing the careers of about 3.50 lakhs students as arbitrary, illegal, unconstitutional and consequently direct the respondents to permit the First / Second Year students to complete the course.

The petition coming on for hearing, upon perusing the Petition and News Item of Saakshi News Paper dated 25-07-2015 and 204 letters filed in support thereof and orders of High Court dated 13-08-2015 and 01-09-2015 made herein and upon hearing the arguments of the learned Advocate General appearing for the State of Telangana and the learned Advocate General appearing for the State of Andhra Pradesh, the Court made the following

ORDER:

In this *suo motu* PIL, we are obliged to consider the following prayer:

"For the reasons stated in the News Item of Saakshi News Paper, dated 25.07.2015 and 204 letters received, this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of mandamus to call for remarks and records from the respondents herein and to declare the action of the

respondents in not extending the services of Dr. B.R.Ambedkar Open University, in the State of Andhra Pradesh since the enactment of A.P. Reorganization Act, 2014 and thereby jeopardizing the careers of about 3.50 lakhs students as arbitrary, illegal, unconstitutional and consequently direct the respondents to permit the first/second year students to complete the course and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Dr.B.R.Ambedkar Open University (for short 'the University') is situated in the State of Telangana and the University with the assistance of teaching and non-teaching staff of 116 personnel has been running 92 Study Centres in the State of Andhra Pradesh. As provided for under Section 75 of the Andhra Pradesh Reorganization Act, 2014 (for short 'the Act'), Telangana Government paid salaries of the staff working in 92 Study Centres located in the State of Andhra Pradesh till the end of July, 2015.

During this period, the State of Telangana and the State of Andhra Pradesh could not and did not agree upon terms and conditions as provided for under Section 75 of the Act for continuing to provide facilities to the students taking education at the Study Centres in the State of Andhra Pradesh. In view thereof, the State of Telangana decided to discontinue all the Study Centres situated in the State of Andhra Pradesh. In view of the decision, which was published in several Newspapers, hundreds of students approached this Court by way of post-cards seeking intervention, treating their letters as PIL. Accordingly, letters were treated as PIL.

We heard this matter on three-four occasions earlier and by order, dated 13.08.2015 directed the State of Telangana not to close Study Centres of the University situated in the State of Andhra Pradesh. On last occasion, we also directed both the State Governments through their Principal Secretaries, Education Department to sit together and arrive at terms and conditions, so that the Study Centres shall not be discontinued or closed.

Today, we are informed that they could not arrive at amicable solution and jointly prayed for direction to the Central Government to exercise its jurisdiction and pass appropriate orders in terms of Section 75 of the Act.

Section 75 of the Act provides that the Government of Andhra Pradesh or the State of Telangana, as the case may be, shall, in respect of the institutions specified in the Tenth Schedule to the Act, located in that State, continue to provide facilities to the people of the other State which shall not, in any respect, be less favourable to such people than what were being provided to them before the appointed day, for such period and upon such terms and conditions as may be agreed upon between the two State Governments within a period of one year from the appointed day or, if no agreement is reached within the said period, the continuation of services is provided as may be fixed by order of the Central Government.

In view of the language employed in Section 75 of the Act and having considered overall facts and circumstances of the case, particularly the students taking education in these centres, we are satisfied, for the present, that the following order shall meet the ends of justice:

"The State of Telangana shall not close Study Centres situated in the State of Andhra Pradesh till the issue is resolved in pursuance of this order or pending the hearing and final disposal of the PIL. They shall continue to extend all the services/facilities to the students and staff, teaching and non-teaching, as they have been doing all these years and in particular till the end of July, 2015.

The Government or the State of Andhra Pradesh is directed to pay the salaries of all the persons employed to run the Study Centres situated in their State and also to maintain those Study Centres subject to further orders that will be passed either in this PIL or the terms and conditions fixed by the order of the Central Government.

The Central Government is directed to fix terms and conditions for continuation of services through the Study Centres, by the University, in the State of Andhra Pradesh in terms of Section 75 of the Act as expeditiously as possible and preferably within a period of eight weeks from the date of receipt of this order.

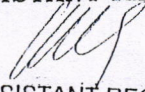
Learned Assistant Solicitor General is directed to communicate this order to the Ministry of Home Affairs (State Reorganization Division) within a period of one week from today.

We hope and trust that the concerned Department of the Central Government shall take the decision, as aforementioned, within the stipulated time and shall communicate the same to both the State Governments and so also to this Court. It is needless to mention that while taking the decision, the Central Government shall bear in mind all the provisions of the Act."

Stand Over to 30.10.2015.

Sd/- R.VENKATA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//


For ASSISTANT REGISTRAR

- To
- 1 The Secretary, Human Resources & Development, Union of India, New Delhi.
 - 2 The Chairman, University Grants Commission, New Delhi.
 - 3 The Chief Secretary, State of Andhra Pradesh, Secretariat, Hyderabad.
 - 4 The Chief Secretary, State of Telangana, Secretariat, Hyderabad.
 - 5 The Secretary, Higher Education Department, State of Andhra Pradesh, Secretariat, Hyderabad.
 - 6 The Secretary, Higher Education Department, State of Telangana, Secretariat, Hyderabad.
 - 7 The Vice Chancellor, Dr. B.R. Ambedkar Open University, Hyderabad.
 - 8 The Registrar, Dr. B.R. Ambedkar Open University, Hyderabad.
 - 9 The Convenor, Dr. B.R. Ambedkar Open University, Hyderabad.
 - 10 The Assistant Director, Regional Coordination Centre, Dr. B.R. Ambedkar Open University, Vijayawada, Krishna District, Andhra Pradesh.
 - 11 The Controller of Examinations, Dr. B.R. Ambedkar Open University, Hyderabad.
 - 12 The Director, Distance Education, Dr. B.R. Ambedkar Open University, Hyderabad.
 - 13 Two CCs to the Advocate General (State of Telangana), High Court, Hyderabad.
 - 14 Two CCs to the Advocate General (State of A.P.), High Court, Hyderabad.
 - 15 One CC to Sri B. Narayana Reddy, Asst. Solicitor General, High Court of Judicature at Hyderabad (by Spl. Messenger)
 - 16 One CC to Sri Deepak Bhattacharjee, Standing Counsel
 - 17 One CC to Sri M. Ratna Reddy, Standing Counsel for Dr. B.R. Ambedkar University
 - 18 Two spare copies.
- SKM