



# CHAITANYA BHARATHI INSTITUTE OF TECHNOLOGY (A)

Lr.No.CBIT/TAFRC/027/2021

Date: 17.05.2021

From:

The Principal,  
Chaitanya Bharathi Institute of Technology,  
CBIT Campus, Kokapet Village,  
Rajendranagar Mandal, Ranga Reddy District,  
Hyderabad- 500075

To:

Administrative Officer,  
Telangana Admission and Fee Regulatory Committee  
2<sup>nd</sup> Floor, JNA & FAU Campus, Opp: Mahavir Hospital,  
Mahavir Marg, Masab Tank, Hyderabad- 500028.  
E-Mail ID: tsafrc@gmail.com

Dear Administrative Officer,

Sub: Response to Letter No. TAFRC/CBIT/MGIT/Complaints/2021 dated  
10.05.2021 by the TAFRC

1. The operative portion of the common judgment and order dated  
29.10.2019 in Writ Petition Nos.22564 of 2016 and 22595 of 2016  
reads as follows:

“ This Court by order dated 21.09.2017 in WPMP No.27745  
of 2016 in WPMP No 27746 of 2016 in WP No.22564 of 2016  
permitted the petitioners to collect Rs.2,00,000/- as against  
Rs.1,13,500/- fixed by the 2nd respondent- TAFRC, with a  
condition of furnishing Bank guarantee for differential  
amount of Rs.86,500/- in favour of Registrar Judicial, High  
Court for the State of Telangana. Similarly, in WPMP

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No.22781 of 2017 & WPMP No.27780 of 2017 in WP No.22595 of 2017 permitted the petitioner to collect Rs.1,60,000/- as against Rs.1,00,000/- fixed by the 2nd respondent-TAFRC, with a condition of furnishing Bank guarantee for differential amount of Rs.60,000/- in favour of Registrar Judicial, High Court for the State of Telangana.

But in view of above facts and circumstances and law laid down by the Hon'ble Supreme Court, these writ petitions are disposed of directing the 2nd respondent-TAFRC to consider the aspects of payment of gratuity and payments made in respect of implementation of 7th Pay Revision Commission, while considering the proposal of the petitioner's institution with regard to fee structure, in the next block period and petitioners are also directed to reimburse the excess amount so collected to the students, within a period of eight weeks from the date of receipt of a copy of this order and after excess amounts are paid to the students and material in proof of same is filed, the Registrar (Judicial) shall take action for discharge of Bank Guarantee."

The operative portion of the common order dated 29.04.2020 passed in the Review Petitions modifying the common judgment and order dated 29.10.2019 in Writ Petition Nos.22564 of 2016 and 22595 of 2016 reads as follows:

"In view of above facts and circumstances, this review petitions are disposed of modifying the Common Order dated 29.10.2019 directing **the respondents to take into account the claims of the petitioners regarding a) amounts expended towards salaries to non-teaching staff, b) expenditure incurred towards**

**implementation of 7th Pay Revision Commission; and c) expenditure incurred towards increase in gratuity for the block period 2016-2019 and fix the fee for that block period within a period of four weeks from the date of receipt of a copy of this order. After fixation of the fee, petitioners have to refund the excess amounts so collected, to the students, forthwith.** On proof of the same, the Registrar (Judicial) shall discharge the bank guarantee furnished by the petitioners forthwith.”

Read together, the operative portions extracted above with applicable directions (highlighted duly) are predicated on the fundamental premise that enhanced fee is collected, and any excess fee (as determined post re-fixation) is returned to the students of the 2016-2019 block period. This fundamental premise ran through the course of the litigation including in the interim order dated 21.09.2017, and is the bedrock of the final order dated 29.10.2019, as modified by the order dated 29.04.2020. The arrangement put in place by the interim orders merged with the final orders which continued the arrangement, and is the continuing bedrock for collection of enhanced fee. This premise exists as a result of the litigation upto date in the challenge to GOMs No.21 dated 04.07.2016, which was impugned by the Institution right after.

This fundamental premise forming a part of the binding directions of the High Court cannot be altered at the behest of a litigant party i.e. the TAFRC. The application of the GO is obviously subject to the crystallized litigation pertaining to the institution herein. An ostensibly impartial statutory body such as the TAFRC does not have the remit to alter judicial directions in this manner. An administrative officer and consultants of the TAFRC sitting in judgment over the directions of the High Court is grossly contemptuous, and amounts to ridiculing the institution of the Hon'ble High Court.

2. In the communication, you state that re-fixation did not happen due to pending clarification petitions. This is an utter falsehood to the record. A quasi-judicial entity should not mislead or utter falsehood in a frivolous and whimsical manner, as if in wonton ignorance of the nature of legal proceedings. The TAFRC filed only two IAs in each of the WPs after the final orders dated 29.04.2020 passed in the Review Petitions modifying the common judgment and order dated 29.10.2019 in Writ Petition Nos.22564 of 2016 and 22595 of 2016 by the Hon'ble High Court.

One IA dated 22.06.2020 is a 'For Being Mentioned' petition to seek a wholly clerical amendment to the cause-title. Not a single step whatsoever has been taken by the TAFRC in close to an year to have this ministerial issue disposed off uptil date (as the IA was not even brought up once before the Bench). Under the garb and masquerade of such a clerical amendment to the cause-title **which has absolutely no bearing whatsoever to the merits of the matter or as regards the binding directions passed by the Hon'ble Court,** there cannot be unconscionable action by the TAFRC that seeks to defeat the finality of the directions passed by the Hon'ble High Court.

The other IA dated 22.06.2020 is an 'Extension Petition' seeking an extension of time for two months (beyond the four weeks directed by the Hon'ble High Court) for implementing the directions of the Hon'ble Court as directed in the final order dated 29.04.2020 passed in the Review Petitions modifying the common judgment and order dated 29.10.2019 in Writ Petition Nos.22564 of 2016 and 22595 of 2016 by the Hon'ble High Court. The prayer in the second IA is by itself infructuous now as even the two months are long past, and it has been close to an year since the filing of the petition for extension of time for two months.

In above light, there are absolutely no clarifications whatsoever sought or pending by the TAFRC as regards the merits of the matter or the directions passed by the Hon'ble Court, and the TAFRC is unconscionably disobeying the directions of the Hon'ble High Court to complete the process of re-fixation of fee as stipulated in a time-bound manner. In the face of such interminable delay and grossly inequitable conduct by the TAFRC in acting as per the directions of the Hon'ble High Court and completing the process of re-fixation of fee, it is the TAFRC which must act immediately now to complete the process so the issue of re-fixation of fee for the students of the 2016-2019 block period can attain closure in a time-sensitive manner.

3. After the order dated 29.04.2020 passed in the Review Petitions modifying the common judgment and order dated 29.10.2019 in Writ Petition Nos.22564 of 2016 and 22595 of 2016 by the Hon'ble High Court which directed the TAFRC to finalize re-fixation within a period of four weeks, the administrative officer and/or consultants of the TAFRC are seeing it fit to willfully disregard and disobey such judicial directions as stipulated because of their opinion on the directions of the High Court. That such officers are venturing to modify and variate the unambiguous, clear, and binding directions of the Hon'ble Court in a defiant manner is telling conduct that is unbecoming of a quasi-judicial authority. Such conduct is fundamentally antithetical to the rule of law, and the mandate to obey judicial directions. It is quite indecorous for officers of a quasi-judicial authority to act in such manner as if deigning to opine as they see fit about the directions of the Hon'ble High Court, and consequently issue communication of this nature. Your communication wholly modifies the premise/substratum/bedrock of the directions of the Hon'ble High Court. It is not possible to actualize the directions of the Hon'ble High Court as regards refund of excess fee if collection from all students of the 2016-2019 block period is not as per the directions and arrangement put in place by the Hon'ble High Court.

4. Further, if the TAFRC is conscious of its responsibility in law, it should immediately act to finalize the re-fixation so that only the final fee is then collected, and any excess is returned immediately in accordance with the directions of the Hon'ble High Court. Sluggish and irresponsible conduct at the end of the TAFRC cannot be used to issue directions to the Institution. Re-fixation of fee is a time-sensitive and time-bound exercise, in the interest of all stakeholders. The TAFRC cannot postpone re-fixation at its whim and fancy, disregarding the binding directions of the Hon'ble High Court. It is shocking to see your disregard to the rule of law and to the High Court, that you are attempting to modify impermissibly and in a manner unknown to law, even without any pending attempt to seek any clarifications whatsoever from the High Court itself about its directions.

5. **A judgment is authority for what it stands, and directs. It cannot be variated, modified, and interpreted at the behest of a litigant i.e. the TAFRC.** That the TAFRC saw it fit to issue directions and communicate on a litigation seized by the Hon'ble High Court speaks of its utter and willful disregard to the orders passed by the High Court, contumacious conduct, and your press note on a litigation seized by the Court without asking the court to clarify is an attempt to lower the dignity and authority of the Hon'ble High Court.

6. The TAFRC is wearing dual hats as a litigant, and a quasi-judicial authority. As a litigant, it cannot issue directions in a matter which the Hon'ble High Court is seized of. The TAFRC cannot act as both player and umpire in the same match. It cannot stultify and undermine the sanctity of the judicial process in such a flagrantly deviant manner. As a quasi-judicial authority, it cannot act in a deplorable and adversarial manner by issuing directions attempting to modify and defeat the directions of the Hon'ble High Court.

7. In issuing a letter and a press note that is in gross violation of the operative portion of the Hon'ble High Court's orders dated 29.04.2020

passed in the Review Petitions modifying the common judgment and order dated 29.10.2019 in Writ Petition Nos.22564 of 2016 and 22595 of 2016 which disposed off the issue pertaining to fixation of fee, **the TAFRC is not just disobeying the directions of the Hon'ble Court, but is also misadventuring into lowering the dignity of the Court, which fact will also be brought to the notice of the Court in the contempt action to be initiated.** The TAFRC is duty-bound to re-fix the fee in accordance with the directions of the Hon'ble High Court, and then the Institution shall refund excess fee collected. This is the very substratum of the directions passed by the Hon'ble Court. Without completing the re-fixation as stipulated by the High Court and interminably delaying the same, the TAFRC is now seeking to blind itself to the directions of the High Court through its contumacious conduct in addressing communication of such untenable nature to the Institution. The Institution shall abide by the judgment of the Hon'ble High Court, and that is all.

8. **The Institution has not yet initiated action for contempt due to utmost respect for the chairman of the TAFRC, and with full confidence that the binding directions of the Hon'ble High Court will be duly followed.** In light of this communication and the adversarial attitude of the TAFRC in wantonly disobeying the orders of the Hon'ble Court, contempt action shall now ensue against the individuals responsible at the TAFRC for ensuring compliance as there is willful and wonton disobedience with the directions of the Hon'ble High Court dated 29.04.2020 passed in the Review Petitions modifying the common judgment and order dated 29.10.2019 in Writ Petition Nos.22564 of 2016 and 22595 of 2016.

9. Such communication by the TAFRC would also have the effect of **illegally discriminating between students who complied with the orders of the Court, and those who did not, and perversely benefit those who did not. This flies in the face of the Hon'ble Courts orders**

**that are uniformly applicable to all students of the block period 2016-2019.** Further, it lays bare the partial actions of an ostensibly impartial statutory body that must not act adversarial to the institution. Solely by itself, the communication addressed is *ex-facie* wholly contemptuous in nature.

10. While the subsisting framework of litigation duly caters to enhanced fee collection and consequent return of any excess fee (as determined post re-fixation) to all the students of the 2016-2019 block period, it is also apposite to bring to your notice that outgoing students of both Institutions addressed in your communication had preferred writ petitions, and **the High Court was pleased to pass interim orders directing collection of enhanced fee or a security towards the same prior to the students graduating from the Institutions. The interim orders were passed in IA No.1 of 2021 in WP No.1075 of 2021 (in respect of outgoing student/s of CBIT) and in IA No. 1 of 2020 in WP No.21345 of 2020 (in respect of outgoing student/s of MGIT). These orders are already put to your notice, and as a matter of fact you had already referred to these orders in your earlier correspondence. Despite such position, your supposed fiat through the communication flies in the face of these interim orders passed by the Hon'ble High Court as well.**

11. Further, as is also clear from the above-cited orders pertaining to outgoing students in the Institution, it is particularly relevant to note that the Institution have reduced collection of enhanced fee/security only to the tentative quantum and upper-limit extent of enhanceable fee pursuant to re-fixation by the TAFRC, upon inclusion of the three expenditure heads directed by the Hon'ble High Court for students of the block period 2016-2019. The uncertainty in concluding the process of final fee-fixation is solely and completely attributable to the TAFRC, which did not conclude the process of re-fixation despite the passage of almost an year from the date of directions by the Hon'ble High Court,

which directed it to conclude the process of re-fixation within 4 weeks in a time-sensitive manner. Pursuant to re-fixation of fees by the TAFRC and a final and precise determination as regards the quantum which is the sole domain and responsibility of the TAFRC, the Institution shall return any excess fee forthwith in accordance with the directions of the Hon'ble Court. While this outcome is consequent to binding judicial directions, the sheer logic of this arrangement is independently eminent as well. To elaborate, the institution is always better placed to ensure return of excess fee pursuant to re-fixation by the TAFRC, than the alternative of fresh collection pursuant to re-fixation by the TAFRC by which time many students may graduate thereby leaving the Institution with no practicable enforcement mechanism for collection of enhanced final fee pursuant to re-fixation. The Institution is a permanent entity in the State of Telangana while students are a shifting entity. The TAFRC should end this uncertainty by acting in an efficient and time-bound manner, that abides by the directions of the Hon'ble High Court rather than acting in an indolent manner as if least concerned about the implementation of the binding directions of the Hon'ble High Court. The present situation is solely on account of unconscionable delay by the TAFRC in finalizing re-fixation of fee, and administer closure to the issue, in accordance with the directions of the Hon'ble High Court.

12. If the directions of the High Court are not obeyed now and the TAFRC prevents enhanced fee collection in the face of the orders of the High Court and in gross contempt of the same, it will lead to the absurd consequence of students graduating without paying enhanced fee pursuant to re-fixation. At the risk of repetition, it is essential to state that there will then be no enforcement mechanism for collecting the enhanced fee pursuant to re-fixation of fee by the TAFRC. To reiterate, the orders of the Hon'ble High Court would then be incapable of implementation at a practical level against students leaving the institution, and the TAFRC's actions would defeat the substratum of the orders passed by the Hon'ble High Court in the crystallized litigation

pertaining to proper fixation of fee for students of the block period 2016-2019. The premise of the litigation and orders passed by the Hon'ble Court since the inception right till final disposal was to avoid such an irresponsible outcome. The Institution shall abide by the directions of the Hon'ble High Court as regards the issues seized before the Hon'ble Court, and reject any purported communication that seeks to defeat and denigrate the directions of the Hon'ble High Court as regards fee pertaining to all students of the 2016-2019 block period.

13. In your communication, you purport to rely on complaints received from students and parents association. As a supposedly impartial statutory body, you must assess the merits of the same. **Each and every student (and their parents) belonging to the 2016-2019 block period had been put to clear notice of the litigation right since the inception, and they have undertaken to comply with any enhanced fee collectable as determined by the Hon'ble High Court and the TAFRC sans demur.** There is nothing sudden or new about the enhanced fee. The clear and unambiguous undertakings submitted by each and every student right since the past several years are available with the Institution, and can be made available to the TAFRC upon request.

14. **Importantly**, you are aware that both the parents association and the students preferred leave petitions for writ appeal against the directions of the High Court contained in the judgment and order dated 29.04.2020 passed in the Review Petitions modifying the common judgment and order dated 29.10.2019 in Writ Petition Nos.22564 of 2016 and 22595 of 2016, as you are a party respondent to the same.

After 7 months, the leave petitions to writ appeal preferred by the parents association (I.A. No.2 of 2020 in WA No. 466 of 2020 and I.A. No.2 of 2020 in WA No. 418 of 2020) were dismissed as withdrawn by the Hon'ble High Court for lack of *locus standi* by the parents association *vide* order dated 10.03.2021, and leave to appeal accordingly denied. No leave to

writ appeal has been granted to the students as yet. In both the leave petitions to writ appeal, the TAFRC (which was a party respondent) was represented by the proposed appellants (complainants) as having squarely accepted the directions of the High Court dated 29.04.2020 passed in the Review Petitions modifying the common judgment and order dated 29.10.2019 in Writ Petition Nos.22564 of 2016 and 22595 of 2016, and such was the position despite the TAFRC being a party respondent in the leave petitions all the while.

**Both leave petitions to writ appeal sought to pray against enhanced collection, and such prayers were canvassed before the Hon'ble Court by the proposed appellants and squarely rejected by the Hon'ble High Court upto date. Post such rejection, manufactured complaints to the TAFRC made their way seeking a direction as if to defeat the directions dated 29.04.2020** passed in the Review Petitions modifying the common judgment and order dated 29.10.2019 in Writ Petition Nos.22564 of 2016 and 22595 of 2016, and the TAFRC saw it fit to issue such communication to the Institution. In effect, the TAFRC is seeing it fit to stay the directions of the Hon'ble High Court in a manner unknown to law through the communication addressed by an administrative officer. **An administrative officer is seeing it fit to grant prayers rejected, and to stay the directions of the Hon'ble High Court** by attempting to bypass the remit of the litigation seized entirely by the Hon'ble High Court. Such atrocious lay conduct is not expected from a quasi-judicial authority such as the TAFRC. It is apposite to mention that these facts will also be duly brought to the notice of the Hon'ble High Court in the contempt action to be initiated.

15. A basic perusal of the Hon'ble High Court's findings of fact and law as regards the three expenditure heads will suitably satisfy any reasonable impartial mind as regards the justness and legality of the Institution's course of action, and any action by the TAFRC for the Institution's

compliance with the directions of the Hon'ble Court will be suitably dealt with as per due process of law.

16. Pursuant to re-fixation of fee for the 2016-2019 block period in accordance with the directions of the Hon'ble High Court, a proper and balanced fee structure in accordance with the rights of the Institution and the precedent of the Apex Court on the aspect of fixation of fee must ensue for the subsequent block period. This is because the TAFRC has used a percentage enhancement model for the subsequent block period based on the final fee fixed for the previous block period. Upon enhanced re-fixation of fee for the 2016-2019 block period, the fees for the subsequent block period will have to be accordingly enhanced and modified afresh based on the percentage enhancement model that is used for computational purposes in fixation by the TAFRC. This aspect of fee fixation for the subsequent block period is also being delayed because of the unconscionable delay by TAFRC in finally fixing fee for the 2016-2019 block period, in accordance with the directions of the Hon'ble High Court. Needless to mention, in the absence of a proper fee structure for the next block period based on the re-fixation of fees for the 2016-2019 block period, a legal challenge will be accordingly mounted to protect the rights of the Institution, with the entire and comprehensive gamut of grounds available in law on all aspects to the Institution.

**17. It has remained the ardent desire of the Institution to maintain a litigation free atmosphere that is in the equitable interest of all stakeholders.** Time and attention are better spent on activities core to the Institution. In its category, CBIT is ranked by the NIRF as the topmost engineering college in our State of Telangana, and the Institution is committed to continue recruiting topnotch faculty, offering world-class facilities at all levels, and ensuring our students compete and achieve unparalleled laurels. It is futile to compare efforts with top colleges at the world level if a self-financing unaided institution faces prejudicial institutional barriers for rightful asks despite a binding judgment by the

Hon'ble High Court. **Such achievements require the impartial cooperation and support of all stakeholders, and the Institution prays for such an enabling atmosphere, and remain hopeful of a way to end all contentious litigation going forward, unless the partial attitude of the TAFRC forces the institution to approach the Hon'ble High Court.** It is apposite to note that the judgment was rendered by the Hon'ble High Court after due consideration and relevant application of the precedent as applicable of the Apex Court, including the judgment rendered in Civil Appeal Nos. 5133-5135 of 2019. It is not for the Institution to have to explain, elaborate and justify the binding directions of the Hon'ble High Court to officers of the TAFRC. As the TAFRC insists on acting in an adversarial and contumacious manner as evidenced by the present communication and the press note, the Institution shall proceed with initiating contempt action before the Hon'ble High Court against the errant individuals.

Yours Sincerely,



Principal

Chaitanya Bharathi Institute of Technology

