

GOVERNMENT OF ANDHRA PRADESH
HIGHER EDUCATION [U.E] DEPARTMENT

Letter No.1305713/UE/A1/2021-1,

Dated:05-02-2021

From
The Special Chief Secretary to Government
Higher Education Dept.
A.P. Secretariat, Velagapudi.

To
The Registrars of the State Universities.
The Secretary, AP State Council of Higher Education.
The Commissioner for Collegiate Education, A.P.
The Commissioner for Technical Education, AP.

Sirs/Madams,

Sub: Higher Education Department – Guidelines to dispose off
the court cases effectively and timely in the Universities and
Departments under the administrative control of Higher
Education Department in the State – Guidelines – Issued.

While referring to the subject cited, it is brought to the notice of the Government that there are large number of court cases which are pending without filing counter affidavits by the concerned Universities and the Departments under administrative control of Higher Education. After careful examination of the matter and with a view to effectively oppose and dispose off the court cases promptly, the Government is hereby issuing the guidelines as under:

- (i) The objective of setting up of a Legal Cell in the University / Head of Departments is to coordinate with the Standing Counsel/ Govt., Pleader, A.P.State Council of Higher Education(APSCH), Government, Registrar and other Sections of the University.
- (ii) The Head of the Department / concerned University shall set up a Legal Cell in the University / HoD. The Legal Cell shall consist of one Nodal Officer who may be one of the Teachers of the University in case of the Universities and one Senior Officer in case of the HoD. In addition to the Nodal Officer, one Officer from the administration in case of the Universities may also be deputed to the Legal Cell. These two Officers will function in the Legal Cell in addition to their regular duties. In addition to them, the University/HoD may transfer one or two

supporting staff depending on the number of cases along with required infrastructure like Computer, Printer, Net connectivity etc and one sub-staff to the Legal Cell from among the staff working in the University / HoD.

- (iii) The Standing Counsel / Govt., Pleader shall communicate the affidavits / Court orders etc through email / whats App to the Registrar of the University / HoD with a copy to the Nodal Officer of the Legal Cell. On receipt of the same, the Legal Cell will communicate the same to the Higher Education Department and concerned Sections through email / whats App for taking necessary action.
- (iv) The Legal Cell will monitor the drafting of para-wise remarks / draft counters etc., with the concerned Sections and finalisation of the Counters by the Standing Counsel/Govt Pleader. The Legal Cell is responsible to verify with the Standing Counsel on the filing of the signed Counters before the Hon'ble Court and obtain a xerox copy of the same for the office record. The Legal Cell will conduct periodical meetings for attending the Court cases timely by the concerned Sections. The Nodal Officer of the Legal Cell is responsible and accountable to answer the Govt Pleader / Standing Counsel and Registrar/ HoD on the Court cases.
- (v) The concerned Section in the University / HoD is held responsible for drafting para wise remarks / drafting counters, to brief the Standing Counsel, maintain the record Writ Petitions, counters, orders etc., in the concerned file of the Section of the University / Department.
- (vi) The Legal Cell will maintain the list of cases with its status, as per the format annexed to these guidelines, and communicate the same periodically to the concerned Sections in the University / Department, Government, APSCHE, Standing Counsel, Registrar / HoD of the Department.
- (vii) The Legal Cell and concerned Section in the University / HoD should categorize the court cases in the following order;
 - (a) Court cases where interim orders are passed including contempt cases.
 - (b) Court cases where final orders are passed and disposed off.
 - (c) Court cases where counter affidavit filed and pending for hearing.

- (d) Court cases where counter affidavit is yet to be filed
 - (e) newly filed court cases based on cause list
- (viii) The draft counters should be written constructively duly referring the provisions of the Act, previous case laws and other facts of the matter. For this purpose, an outset / introductory para should be written as 3rd para duly summing up the subject matter sequentially which will help to understand the gist of the case at a glance and then answer para wise replies in the draft counter.
- (ix) The Legal Cell will monitor the status of the legal cases in the website of the High Court and by contacting their respective Standing Counsel/Govt Pleader and inform to the Registrar / HoD and other respondents in the case daily basis through email/whats App on the list of cases posted for hearing. The Legal Cell shall contact the concerned and give oral or written instructions to the respective Standing Counsel/Govt Pleader in newly filed cases in order to oppose effectively at the admission stage and thereafter seek sufficient time for filing counter affidavits in order to avoid interim orders or to dismiss the case at the admission stage of the case.
- (x) The Legal Cell shall inform the orders passed in the concerned cases to the Registrar / HoD through email / whats App and other respondents for taking a decision either to implement the order or to file vacate stay or to file Writ Appeal or to issue speaking order or to implement etc. The Legal Cell shall monitor with the Registrar / HoD / concerned section till the action is taken on the orders of the Court so as to avoid contempt cases on such cases.
- (xi) The Legal Cell shall prepare the stage of each case quarterly in the following pro-forma so as to appraise the Government as and when required. This is in addition to the details of each case in the pro-forma annexed to these guidelines.

Year	Month	No. of cases filed	No. of cases Disposed	No. of cases pending

- (xii) The Govt., Pleader / Standing Counsel shall attend the Department / University at least once in a quarter or on any other days in exigency and meet the HoD / Nodal Officer, and brief the legal cases filed, pending and disposed off during that quarter. The Govt. Pleader / Standing Counsel / HoD of the Department / Registrar of the University are accountable

and responsible in filing the counters promptly and timely on the cases filed and to defend the interest of the Government/University.

- (xiii) The Nodal Officer and Govt Pleader / Standing Counsel of the concerned university/ department are required to send judgements of the cases from time to time on the cases disposed off by the Hon'ble Court. The HoD / University shall take immediate action either to implement the judgement or refer the matter to the Government for its orders wherever necessary. The University /HoD cannot ignore for taking action on the judgement, otherwise it leads to contempt on all the parities listed in that writ petition, which should be avoided.
- (xiv) The HoD / Registrar of the University shall take immediate action where the Court held that the respondents may consider the application of the petitioner and pass orders. In such cases, the HoD / Registrar shall examine the plea of the petitioner and pass speaking orders as per rules and communicate to the petitioner and also to the Government. Otherwise, the in-action of the University / HoD will lead to contempt case. If the speaking order is issued as per rules, such action of the Registrar / HoD will not lead to filing of a contempt case by the petitioner. Therefore the University / HoD are hereby directed to dispose off such cases passed by Hon'ble Court within time frame in order to avoid contempt cases on the Government who would be in such cases a formal party.
- (xv) The concerned Standing Counsel / Govt Pleader on completion of their tenure or for any other reason a new Standing Counsel / Govt Pleader appointed, the former Standing Counsel / Govt Pleader shall handover the original case files in their custody to the new Standing Counsel / Govt. Pleader of the University/ HoD or alternative handover the original case files to the concerned university / HoD within two weeks of such development.
- (xvi) The HoD / Registrar of the University should monitor at least once in a month the status of legal cases filed / pending and filing of counters / writ appeals / reviews / Contempt etc. and take appropriate action. The observations of the review may be sent to the Government and if any critical cases noticed, the same should be attended immediately.

- (xvii) The HoD / Registrar of the University/Nodal Officer of the Legal Cell should send affidavits of the cases, counter affidavits and orders of the Court from time to time to the email of the Special Chief Secretary, Joint Secretary and concerned Section in Higher Education Department, for taking necessary action by the Government.
- (xviii) A State Level Committee consisting of the following Members will conduct periodical review of the status of legal cases with GP/Standing Counsel/ Registrar of the concerned University / Head of the Department. The Committee shall submit the report to the Higher Education Department for taking necessary action, with a copy to the Registrar of the University / HoD.

1	Nominee of Higher Education Department	Joint Secretary to Government, Higher Education Department, AP
2	Nominee of AP State Council of Higher Education	Joint Director AP State Council of Higher Education.
3	One legal personnel nominated by Higher Education Department	Sri C.SudeshAnand Former Standing Counsel, APSCH

- (xix) The Registrars of the Universities shall place the status of court cases in each meeting of the Executive Council as per the format annexed to these guidelines, failing which, the Registrar and the Nodal Officer of the Legal Cell or the concerned Section are held responsible for non-compliance of these guidelines. The Registrar of the University may invite the Standing Counsel twice in a year to the meetings of the Executive Council and request him to brief the Executive Council on the status of legal cases of the University.
- (xx) The Legal Cell of the University / Department shall upload the affidavits / counter affidavits / orders / material papers etc., of each court case filed against the Government in online portal of Higher Education Department.
- (xxi) The Legal Cell and concerned Section in the University / HoD shall maintain a stock file of the Court orders / judgements in a spiral binding form and e-record form by scanning the judgements for future reference.

2. The Heads of Departments under administrative control of Higher Education / Registrars of the Universities are requested to comply with these guidelines and take necessary action.

Yours faithfully,

Sd/-

SPECIAL CHIEF SECRETARY To GOVT.,

Copy to:

The Secretary to Govt., Law Department, AP

The Chairman, AP State Council of Higher Education

The Vice-Chancellors of the State Universities.

The Office of the Advocate General / Additional Advocate General.

The GP for Higher Education through the concerned Department'

The Standing Counsel of the University through Registrar of the University
Sf/Sc.

//FORWARDED:: BY ORDER//

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SECTION OFFICER

**GOVERNMENT OF ANDHRA PRADESH
HIGHER EDUCATION (UE) DEPARTMENT**

Letter No.1063/UE/A1/2022

Dated:04.05.2022

From
The Principal Secretary to Government,
Higher Education Department,
A.P. Secretariat, Amaravath.

To
The Registrars of the State Universities
Under Higher Education Department

Sir,

Sub:- Higher Education Department – Review of Court cases in the Universities – certain discrepancies noticed – instructions – issued – regarding.

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The Higher Education Department noted that there are large number of Court cases pending in the Universities from the last one decade and the Universities have not filed counters in most of the cases. Further, most of Universities are not taking action on the interim orders of the Court which are finally leading to filing Contempt Cases against the Senior Officials of the Government and the Universities.

2. In this background, the Registrars of the Universities are hereby informed that they are totally held responsible (i) on contempt cases filed (ii) on inaction on the interim orders of the Court and (iii) also pendency of the court cases in the Universities. They are requested:

- (i) To initiate immediate action on the interim orders of the Court in a time frame and avoid contempt cases.
- (ii) To file vakalat and constructive counters in Contempt Cases and interim order cases on priority, under intimation to State Level Committee.
- (iii) To file constructive counters promptly in all pending Writ Petitions and Writ Appeals on priority in a time frame.
- (iv) To call explanation from the concerned university staff, in the event of their non-cooperation for not taking timely action on the Court cases and refer such cases to the Executive Council.
- (v) To conduct video conference with State Level Committee, Standing Counsel, and officials of the University on the new cases filed on that month in the prescribed dates of every month. And also send list of new cases posted on that month to SLC.

3. The Registrars of the Universities are requested to take immediate action on the above instructions without fail.

Yours faithfully,
Sd/-

Principal Secretary to Government

Copy to:

The Chairman / Secretary AP State Council of Higher Education
The Vice-Chancellors, AP State Universities
The Standing Counsels of the Universities (through the Registrar of the University)
The Members of the State Level Committee
The In-charge, Legal Cell of the University (through the Registrar of the University)

//FORWARDED :: BY ORDER //


SECTION OFFICER

**GOVERNMENT OF ANDHRA PRADESH
HIGHER EDUCATION [U.E] DEPARTMENT**

Letter No.1305713/UE/A1/2021.

Dated:28.11.2022.

From
The Principal Secretary to Government,
Higher Education Department,
A.P. Secretariat, Velagapudi.

To
All the Registrars of Universities.(w.e)

Sir/Madam,

Sub:-Higher Education Department – State Level Committee –
Requested to place the item "status of section wise Court
cases" as regular Agenda item in the Executive Council
meeting - Reg.

Ref:-1.Govt.Letter No:1305713/UE/A1/2021, Higher Education
(UE) Department, Dated:10.08.2022.

2.From the Joint Director, APSCH, Letter No:SLC-Court
Case-Univs-SVU-Review/2022, dated.10.10.2022.

I am to invite your attention to the references cited.

2. In this regard, it is informed that the Joint Director, APSCH and Member of State Level Committee has stated that though the SLC is closely motivating with the concerned Section Superintends for drafting counters, there is no remarkable progress, since the Registrars are not in a position to take action against the persons who worked and working in the concerned Section for attending the pending court cases timely. Therefore, the State Level Committee has requested to issue directions to the Registrars of the State Universities with a copy to the Vice-Chancellors of the State Universities to place the agenda item "status of section wise pending court cases in C.Cs, W.Ps and W.As" in every Executive Council Meeting as per format given by the SLC as a regular agenda item for discussion in the Executive Council and taking action against the persons responsible for not attending the Court Cases of the University timely. The format on Court cases communicated by the SLC is annexed to this letter for reference.

3. Government after careful examination of the matter, hereby direct all the Registrars of State Universities under the control of Higher Education Department, to place the agenda item "status of section wise pending court cases in C.Cs, W.Ps and W.As" in every Executive Council Meeting as per format given by the SLC as a regular agenda item for

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discussion in the Executive Council and also directed to take action against the persons responsible for not attending the Court Cases of the University timely.

4. All the Registrars of the State Universities shall take necessary action accordingly.

Yours faithfully,

Sd/-

PRINCIPAL SECRETARY TO GOVERNMENT

Copy to :

The Vice-Chancellors of All Universities

The Chairman, A.P. State Council of Higher Education

The Joint Director, A.P. State Council of Higher Education.

//FORWARDED :: BY ORDER//


SECTION OFFICER

**GOVERNMENT OF ANDHRA PRADESH
HIGHER EDUCATION [U.E] DEPARTMENT**

Letter No.2008907/UE/A1/2023.

Dated:24.03.2023.

From
The Principal Secretary to Government
Higher Education Department
A.P. Secretariat, Velagapudi.

To
The Secretary, A.P. State Council of Higher Education, Mangalagiri.
The Member-Secretary, APHERMC, Tadepalli,
The Commissioner of Collegiate Education, A.P., Mangalagiri
The Commissioner of Technical Education, A.P., Mangalagiri
The Registrars of the State Universities.
The Joint Director, APSCHE & Member Convener – SLC on Court Cases

Sirs/Madams,

Sub:-Higher Education Department – Constitution of State Level Committee to review the court cases for effective and timely disposal in the Universities in the State and Heads of Departments under the administrative control of Higher Education Department – Job chart/duties and responsibilities of State Level Committee on Court cases – Conferred – Issued.

Ref:-1.Govt. Letter No.1305713/UE/A1/2021, HE (UE) Dept.,
Dated:12.12.2022.
2.From the J.D-APSCHE & Member Convener-SLC Lr.
No.SLC-Court Cases/Univs.-Review-all Univs/2023
dated:01.03.2023.

I am to inform that in the reference 1st cited, Government have re-constituted the State Level Committee with the following Members to conduct physical/online review of Court cases in the Universities and other Heads of Departments under the administrative control of Higher Education Department:

1	Deputy Secretary / Joint Secretary / Addl. Secretary to Government who is dealing with the matters of the Universities.	Member
2.	Sri C. Sudesh Anand, former Standing Counsel, A.P. State Council of Higher Education	Member
3.	Secretary , A.P. State Council of Higher Education	Invitee
4.	Registrar of concerned University being reviewed	Invitee
5.	Nominee of concerned Departments under administrative control of Higher Education Department being reviewed	Invitee
6.	Standing Counsel of concerned University being reviewed	Invitee
7.	Joint Director, A.P.State Council of Higher Education	Member Convener

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2. In the reference 2nd cited, the Member Convener-SLC has informed that as there is no mention about the duties and responsibilities of the SLC in the letter at reference 1st cited, the SLC in its review meeting held on 25.02.2023 discussed certain aspects, and raised certain questions, with regard to the duties and responsibilities of the SLC of Court Cases. The Member Convener-SLC has requested the Government to issue guidelines on the duties and functions of SLC, taking into aspects as mentioned therein, for reviewing the pending Court Cases of the Universities and Heads of Departments under the control of Higher Education Department, at the earliest possible, so as to continue the review of Court cases of all the Universities from March 2023 onwards.

3. Government have examined the matter and confer the following are the job chart/duties and responsibilities of State Level Committee on Court cases constituted vide reference 1st cited:

(i) the SLC shall review / monitor the status of court cases and to pursue with the Universities/HoDs to file counters or WA/SLPs, as the case may be, as required by the Govt.

(ii) the SLC shall send reports to the Government on the irregularities noticed during the course of review of court cases and material papers attached to affidavits/counters etc., which came to the notice of SLC Members;

(iii) the SLC shall verify the contents of the Counters drafted by the Universities and suggest more effective modifications as and when required;

(iv) in accordance with the necessity, the SLC shall conduct Physical reviews either in the Council or concerned University or grouping Universities in one place, and Online review of all pending court cases in all Universities/HoD's;

(v) the SLC shall suggest in their review report, the guidelines to be issued to the Universities/HoDs and the Government or to take remedial action against the persons who failed to attend the Court cases timely in the Universities/HoDs.

4. The Heads of Departments under the administrative control of Higher Education/ all Registrars of the Universities are requested to cooperate with the State Level Committee in discharge of the above job chart / duties and responsibilities conferred on them.

Yours faithfully,


for PRINCIPAL SECRETARY TO GOVERNMENT