

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.1233 of 2014

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ORDER:

The petitioner sought for a Writ of Mandamus directing the respondents to promote the petitioner as Principal of the 4th respondent – Degree College as he is the only candidate, who fulfills all the qualifications prescribed under G.O.Ms.No.14 dated 20.02.2010.

Heard the learned counsel for the petitioner and learned Government Pleader for Higher Education and Sri K.Subramanyam for the un-official respondent No.5.

It is rather sad that the 4th respondent, a degree college established at Parvathipuram in Vizianagaram District did not have the benefit of a regular principal for a long time. One Sri K.Babu Rao acted as principal in-charge of the said college and since he attained the age of superannuation on 31.12.2013 he appointed the petitioner herein as the in-charge principal of the college with effect from 01.01.2014. The inspiration for this order was the judgment passed by this Court on 10.10.2013 in W.P.No.29646 of 2013 instituted by the present petitioner. The State Government was impleaded as 1st respondent to that writ petition while the Commissioner of Collegiate Education was impleaded as 2nd respondent and the degree college as the 3rd respondent, and the learned Single Judge by his judgment dated 10.10.2013 disposed of the W.P.No.29646 of 2013 directing the respondent Nos.2 and 3 to consider the representation of the petitioner

dated 12.06.2013 and pass appropriate orders within six weeks from the date of receipt of a copy of the said order. But strangely enough the in-charge principal of the college in his order dated 31.12.2013 quoted the said order in W.P.No.29646 of 2013 and appointed the writ petitioner herein as in-charge principal. If

I may observe, the then in-charge principal Sri K.Babu Rao has acted contrary to the directions issued by this Court in W.P.No.29646 of 2013.

The 4th respondent, Degree College is an aided institution. The government is funding it. Government pays for salary and allowances for all posts both teaching and non-teaching available in the said college and therefore, it is for the Government to ensure that a regular incumbent is selected and appointed as a principal of the degree college. It is only appropriate to remember that an educational institution such a degree college can hardly function satisfactorily, without there being a regular head of the institution, necessary discipline cannot be secured from the student community as well as the staff employed in such institutions. Proper planning and effective supervision of all the services rendered by the other employees cannot be secured in the absence of a regular incumbent. Above all, accountability cannot be properly fixed on all concerned for effective and smooth functioning of the institution. Therefore, it is all the more incumbent upon the Commissionerate, Collegiate Education to take immediate steps for filling up the post of principal of the 4th respondent, Degree College on a regular basis, at any rate the post of the principal of
the 4th respondent, Degree College shall be filled up on regular basis on or before 31.08.2015.

In spite of the best intentions and prompt steps taken for filling up the vacancies, sometimes it becomes inevitable to make in-charge arrangements. While making in-charge arrangements, the seniority of the candidates in the zone of consideration assumes certain amount of importance. It stands to reason that the senior most teaching member should be kept as in-charge of the institution, so that the other teachers and non-teaching faculty tend to respect his directions and work under his guidance.

Learned Government Pleader, in my opinion, very rightly, has drawn my attention to the report which the Commissioner of Collegiate Education called for from the Regional Joint Director, Collegiate Education, Rajahmundry, which was submitted on 20.11.2013. The Commissioner, Collegiate Education should have taken prompt action on the said report. I only hope and trust that he would take immediate action in terms of and in accordance with the report submitted by the Regional Joint Director, Collegiate Education, Rajahmundry duly keeping in view the policy guidelines issued by the State or by the Commissionerate, Higher Education itself from time to time with regard to in-charge arrangements. Let this exercise be completed within a period of 30 days from the date of receipt of a copy of this order as the academic session for 2014-2015 comes to a close by 30.04.2015.

With this, the writ petition stands disposed of. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

18.03.2015.

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