

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 9045 OF 2015

ORDER:

The petitioner, who is working as a Lecturer with the 4th respondent college at Vetapalem in Prakasam District, is aggrieved by the orders passed on 11.03.2015 by the said college, placing him under suspension and thus prohibiting him from entering into the college premises and also directing him not to leave the headquarters without prior permission.

Heard learned counsel for the petitioner Sri Mohd. Islamuddin Ansari, for a considerable length of time. The learned counsel very passionately pleaded that the impugned order is the result of acute malice gained by the 4th respondent against the petitioner, as he is not a pliable individual. The management of the 4th respondent college is somehow bent upon showing the door to the petitioner for his upright attitude. This is the reason why they used the expression 'until further orders' in the suspension order. Placing a teacher under suspension for an indefinitely prolonged period is wholly impermissible under law is what the learned counsel would contend. Above all, the learned counsel would contend that a letter said to have been addressed by a non-descript individual of the town is attributed as if the petitioner was the author of it and thus, he was sought to be victimized.

As to whether the 4th respondent institution is conducting its business properly or not is certainly a matter, which is bound to be critically examined by the State Government, as it is brought out that the 4th respondent has been admitted to grant-in-aid by the State Government. Once the State Government admits an institution to grant-in-aid, the affairs of the institution and in particular, concerning the financial matters will have to be scrutinized and audited very carefully and critically. If the management is indulging in any irregularity and if any such irregularity has been brought out by a teacher to the notice of the Regional Joint Director of Higher Education, the college management may have been irked by it as the image of the college would certainly suffer in that process before the eyes of the higher officials of the Education Department, but however, so long as the contents of any such complaint are not found to be lacking any merit and so long as the complaint is not made out of malicious intention to malign the institution or the managers of the

institution in their personal capacity, the higher officials of the Education Department are bound to come to the rescue of any such complainant. All genuine complainants will have to be accorded necessary protection. Otherwise, no employee of an institution would be willingly coming forward to spill out the ground realities and bring out the irregularities committed by the managements. That is an area that should be left to the discretion of the Regional Joint Director and the Commissioner and Director of Collegiate Education.

Section 79 of the Andhra Pradesh Education Act, 1982 clearly spelt out that no teaching member can be continued under suspension for an indefinitely long period. The ceiling is prescribed. Therefore, the expression used 'until further orders' in the impugned order cannot override the limit prescribed under the statute. That is how the said expression must be understood.

If the petitioner has any genuine grievance that he is sought to be victimized and harassed by the management or the managers of the 4th respondent institution, he is at perfect liberty to approach the Regional Joint Director of Higher Education or the Commissioner-cum-Director of Higher Education, so that appropriate remedial measures by way of carrying out a spot inspection to ascertain at least the tenability behind the allegations made against the petitioner can be made. If there are no tenable grounds for placing the petitioner under suspension, either the Regional Joint Director of Higher Education or the Commissioner can issue necessary instructions to the college to reinstate him and entertain him back to duty. Any failure on the part of the 4th respondent to carry out any such order forthwith would invite perilous consequences specified under Section 24 of the Act by the management/manager, who is at fault in carrying out any such directions. The contention of the learned counsel for the petitioner that no disciplinary action is initiated against the petitioner so far and hence, the order of suspension cannot be passed, is only to be stated to be rejected. The disciplinary proceedings are not only liable to be initiated but, in fact, liable to be completed also in quick time. That is the very purpose behind the provision imposing a time limit for completion.

Therefore, leaving liberty to the petitioner to approach the competent authority to examine the allegation of harassment meted out to him in an objective manner, this Writ Petition stands rejected at the admission stage, after hearing the learned Government Pleader for Higher Education (Andhra Pradesh). No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

1st April 2015

ksld