

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.20960 AND 20980 of 2009

COMMON ORDER:

Heard the learned counsel for petitioners and the learned Government Pleader for Social Welfare (AP) for respondents. These two writ petitions are being disposed of by this common order as they raise similar point for consideration.

2. These two writ petitions were filed challenging the action of the first respondent in not sending their reports to the Government of India pursuant to the report of the second respondent dated 22.04.2009 recommending the case of the petitioners to release grant-in-aid for running their institutions.

3. The case of the petitioners is that they have been running tribal schools for girls and boys belonging to scheduled tribes. They started schools in Khammam District and have been running the same. The Government of India issued guidelines for establishing educational institutions by selecting 54 districts through out India in which Khammam District was also one of them. Previously, the petitioners were getting grant-in-aid for running the schools from the year 2000 till 2006. As per the guidelines, the Government of India has to release grant-in-aid basing on the recommendations of the first respondent on the report submitted by the first respondent. The second respondent conducts inspection through a committee and submits a report to the first respondent. The first respondent has to send the said proposals to the Government of India for release of grant-in-aid. The grievance of the petitioners is that though the second respondent was submitting the reports to the first respondent recommending the case of the petitioners for release of grant-in-aid, the first respondent was not taking any action

resulting in non-release of grant-in-aid in favour of the petitioners.

4. A counter-affidavit is filed stating that the Government of India issued guidelines preparing a scheme for strengthening education among scheduled tribe girls in low literacy districts and Khammam district is one of 54 identified districts in India. The proposals submitted by the petitioners were placed before the State Level Committee in its meeting held on 12.10.2009 for consideration, but the same were rejected by the Committee on the ground that the location of the schools of the petitioners was not in service deficient tribal area. It was further stated that an inspection team was formed to verify whether the location of the schools was in service deficient tribal area or not. The inspection team visited the area of the schools run by the petitioners and noticed that several other educational institutions have been functioning there to cater to the needs of the scheduled tribe students. In view of the same, it was noticed that the schools run by the petitioners do not fall under the service deficient tribal area or naxal affected area/remote/interior/backward area not serviced by Government institutions as per the guidelines issued by the Government of India. In those circumstances only, the case of the petitioners was not recommended. It was further stated that Central Bureau of Investigation had taken up investigation on the complaint that the petitioners made an application for release of funds from the Government of India based on fictitious documents.

5. A perusal of the record of discussions at the State Level Committee meeting held on 14.10.2009 enclosed to the counter-affidavit discloses the following aspects:

“(3) M/s. J.Foundation (formerly known as Jagruthi Educational and Community Development Society), Thirumalayapalem village and mandal, Khammam District (Renewal proposals for the years 2006-07 to 2008-09)

... Therefore, this institution is not in a service deficient area.

Further, as per the instructions issued by Ministry of Tribunal Affairs, Gol, vide Lr.No.22040/27/2003-NGO, dated 2.6.2003, no NGO (other than EVAs) should normally be permitted to undertake more than one project in one state. Whereas this organization is running (2) institutions even though it is not listed under EVA (Established Voluntary Agency). The inspection report also reveals the following deficiencies.

- a. There is attendance register for teachers. But, the register is not signed.
- b. The signatures in the staff acquaintance register do not match the signatures of the staff found present on the day of visit.
- c. Admission register of the school does not indicate school leaving certificates.
- d. Non teaching staff attendance register do not have signatures of staff attending to the duties.
- e. The institution is under investigation by the CBI as mentioned above.

In view of the circumstances and for the reasons stated above, the committee is of the view that the institution is not eligible for receiving grant from Gol and hence, the Gol is informed accordingly.

(4) M/s. Sevabharathi (formerly known as Vennela Educational and Rural Development Society), Nelakondapally, Khammam District (Renewal proposals for the years 2006-07 to 2008-09)

... As per the report of the Joint Director (TW) there are (3) social welfare hostels (1 for girls and 2 for boys) and one Backward Classes Welfare hostel for girls in Nelakondapalli town. Therefore, this institution is not in a service deficient area. The inspection report also reveals the following deficiencies.

- a. There is attendance register for teachers. But, the register is not signed.
- b. The signatures in the staff acquaintance register do not match the signatures of the staff found present on the day of visit.
- c. Admission register of the school does not indicate school leaving certificates.
- d. Non teaching staff attendance register do not have signatures of staff attending to the duties.
- e. The institution is under investigation by the CBI as mentioned above.

In view of the circumstances and for the reasons stated above, the committee is of the view that the institution is not eligible for receiving grant from Gol and hence, the Gol is informed

accordingly.

6. In view of the fact that the schools started by the petitioners are not located in service deficient tribal areas and not conforming the guidelines issued by the Government of India, no relief can be granted in these writ petitions.

7. Hence, the writ petitions are dismissed. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 26.02.2016

TJMR