

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

And

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

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WRIT APPEAL No.596 of 2016

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P.No.23187 of 2016 dated 19.07.2016. The proceedings under challenge in W.P.No.23187 of 2016 was the show cause dated 16.06.2016 issued by the Commissioner of Collegiate Education calling upon the Secretary and Correspondent of the petitioner-college to show cause why action should not be initiated against him under Section 24 (3) (a) of the A.P.Education Act, 1982. By the order under appeal, the learned Single Judge dismissed the Writ Petition on the ground that the proceedings under challenge was merely a show cause notice to which the petitioner could submit an explanation.

Sri Y.V.Ravi Prasad, learned Senior Counsel appearing on behalf of the petitioner, would draw our attention to the order passed in C.C.No.168/2011 dated 04.03.2011 whereby it was agreed that the Principal Secretary, Higher Education Department, Government of A.P would look into, and consider, the matter. The Principal Secretary was directed to consider the representation of the petitioner-college, including the objections with respect to the aspects covered by the show cause notice, and to pass a reasoned order in accordance with law. The petitioner's grievance in this appeal is that, contrary to the aforesaid directions of this Court, and in violation of the said order, it is the Commissioner, Collegiate Education who has once again issued the show cause notice, and not the Principal Secretary, Higher Education Department.

It is wholly unnecessary for us to delve on this aspect any further as the learned Government Pleader for Education, on

instructions, would submit that the impugned show cause notice may be treated as having been issued by the Principal Secretary, Higher Education, and the petitioner be permitted to file his objections thereto within a specified time frame. He would further submit that, on receipt of the petitioner's reply, a date would be fixed for a personal hearing and, after affording the petitioner the opportunity of an oral hearing, a reasoned order would be passed in accordance with law.

In view of the submission now made by the learned Government Pleader, we consider it appropriate to dispose of the Writ Petition directing that the show cause notice, impugned in the Writ Petition, be treated as having been issued by the Principal Secretary, Higher Education. The petitioner shall submit their reply thereto within two weeks from today. The Principal Secretary shall fix a date for oral hearing and, affording the petitioner the opportunity of an oral hearing, pass a reasoned order in accordance with law. Needless to state that, failure on the part of the petitioner to submit their objections within the aforesaid period of two weeks, would enable the Principal Secretary to proceed and pass orders in accordance with law.

The order passed in the Writ Petition stands modified, and the Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

U.DURGA PRASAD RAO, J

28th July, 2016.

Note:

*Furnish C.C. of the order
by 01.08.2016.*

*B/o
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