

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.25157 of 2006**

**Dated : 09.08.2016**

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Between:

Tayyib Muslim Welfare Society, Ramarajupalli Village,  
Kadapa District  
Rep., by its Secretary Md.Hussain Ahmad Sardari & 2 others.  
.. Petitioners

And

The State of Andhra Pradesh  
Rep., by Principal Secretary,  
Minority Welfare Department,  
Secretariat, Secretariat Buildings, Hyderabad & another.  
.. Respondents

This Court made the following :

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**ORDER :**

This writ petition is filed praying to grant the following relief :

***“to declare the action of 2<sup>nd</sup> respondent in issuing the proceedings in Ref.A1/3511/2006, dated 20.11.2006 constituting a committee purporting to conduct an enquiry with regard to the functioning of the Polytechnic College of the 1<sup>st</sup> petitioner as arbitrary, illegal, without jurisdiction and violative of the principles of natural justice apart from being violative of Fundamental Rights guaranteed to the petitioners under Articles 14, 19, 21 and 30 of the Constitution of India and to set aside the proceedings in Ref.A1/3511/2006, dated 20.11.2006 and consequently direct the respondents not to interfere with the management and administration of the 1<sup>st</sup> petitioner Educational Institution.”***

2. Heard learned counsel for the petitioners and learned Government Pleader for Social Welfare.

3. In response to a complaint received against the management of the 1<sup>st</sup> petitioner-college, Government directed the District Collector, Kadapa, to examine the complaint and submit a report. In turn by the impugned proceedings the District Collector appointed a Committee of six officers to conduct enquiry. The said order of the District Collector, is challenged in this writ petition.

4. The principal ground of challenge is that the District Collector is incompetent to order enquiry into the alleged illegalities in functioning of the 1<sup>st</sup> petitioner-College. According to the petitioner, the College is governed by the provisions of the Andhra Pradesh Education Act, 1982 (for short 'the Act') and under the Act, the District Collector is not competent to conduct any enquiry and at the most the Director of Technical Education, can conduct such enquiry. Even the Government also cannot direct the District Collector to conduct an enquiry as he is incompetent.

5. No counter is filed and the said contention of the petitioners stand un rebutted.

6. Learned Government Pleader submits that in view of the interim order passed by this Court on 04.12.2006, no further action was taken and the matter is pending for the last more than ten years.

7. Having regard to the above, the writ petition is disposed of making the interim order absolute. However, if the competent authority deem it necessary to conduct enquiry, it is open to him to conduct enquiry by strictly following the procedure envisaged under the Andhra Pradesh Education Act, 1982. The disposal of the writ petition does not come in the way of conducting enquiry by the competent authority. There shall be no order as to costs.

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

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**P.NAVEEN RAO,J**

9<sup>th</sup> August, 2016.  
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