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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.2581 of 2007

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ORDER:

This writ petition was filed originally by one B.David Raju, who died during pendency of the writ petition, and his daughter came on record in his place.

The case of petitioner is that he established the petitioner school during the year 1973 and it was accorded recognition in proceedings dated 01.07.1976 with effect from 14.06.1976. The Deputy Educational Officer, Tenali submitted an inspection report on 14.03.1977 stating that the petitioner school is entitled for grant-in-aid for one post of S.G.T. Subsequently respondent No.1 issued proceedings on 24.03.1977 extending the recognition without aid to the petitioner school from 01.06.1977 to 31.05.1979 for classes I to IV. Later on, the recognition was extended till 31.05.1981 and renewed till 31.05.1983. According to the petitioner, 250 students were studying in the school and in those circumstances, they submitted representations requesting the respondents to admit the school into grant-in-aid. The Government sanctioned grant-in-aid in G.O.Ms.No.139 Education dated 15.02.1982 admitting two S.G.T. posts with effect from 01.06.1981 and released an amount of Rs.10,332/- for nine months from 01.06.1981 to 28.02.1982.

Due to resignation of the earlier incumbents, respondent No.3 and one Mr. D.John were appointed as Secondary Grade Teachers and their appointments were approved by respondent No.1 in proceedings dated 08.12.1982. Thereafter, the recognition of school was renewed from 01.06.1983 to 31.05.1985.

Consequent to the death of D.John, the petitioner was permitted to fill up the S.G.T. post. The petitioner appointed one K.Mark on 18.06.1984 and the same was approved by respondent No.1 on 03.07.1984. It appears that respondent No.1 issued proceedings on 08.07.1984 directing the Deputy D.E.O., Bapatla to conduct an enquiry and submit a report, and the petitioner sent a letter on 27.08.1984 requesting respondent No.1 to sanction and release the due amount under grant-in-aid in order to enable him to pay the same to the concerned teacher from 01.06.1981. He also requested for shifting the school premises to another building and requested respondent No.3 to come to the new school building to discharge her duties. Respondent No.3 did not join the school in the new premises and he issued a show cause notice on 19.07.1985 as to why action should not be taken against her for suspension from service. Respondent No.3 submitted her explanation on 29.07.1985 stating that she was conducting classes at old premises. The petitioner suspended respondent No.3 from service for not attending the school from 12.06.1985 and informed respondent No.1. Later on, respondent No.3 was dismissed from service on 05.10.1985 and the same was also informed to respondent No.1. However, respondent No.3 got orders of reinstatement from respondent No.1 on 21.01.1986. When the request of petitioner for release of grant-in-aid amount was not answered, the petitioner submitted several representations on 11.09.1989 and 25.09.1990 to respondent No.2. Instead of considering the representations, respondent No.1 allowed respondent No.3 to run the school in the old premises. The amount towards two grant-in-aid posts was also released in favour of respondent No.3. In those circumstances, the petitioner submitted representations on 14.04.1994 and 25.06.1996

requesting respondents 1 and 2 to handover the school along with two posts from respondent No.3. When no action was taken, the present writ petition was filed.

A counter affidavit was filed stating that the petitioner shifted the premises from one location to another location without obtaining prior permission from higher authorities. However, respondent No.3 continued the school in the old location and the same was recognised. In spite of the orders of reinstatement of respondent No.3 into service, the petitioner did not implement the said orders dated 06.12.1985. Since respondent No.3 was continuing the school in the old location, salaries were being paid to her as per the orders of the Director of School Education, A.P., Hyderabad dated 15.03.1989. Since the strength of school was below 40, only one post was admitted into grant-in-aid. It is also stated that the alleged representations dated 18.04.2006 and 15.06.2006, submitted by the petitioner, were not received by respondents 1 and 2. In spite of requesting the petitioner to submit copies of the said representations, no copies were furnished.

An additional counter affidavit was filed by respondent No.1 stating that respondent No.3 retired from service on attaining the age of superannuation on 30.06.2010 and now the school has become defunct and the record of school was handed over to N.S.M. High School, Repalle. The correspondent B.David Raju, representing the petitioner school, died on 02.07.2007.

The above facts would show that there was a dispute with regard to management between the petitioner and respondent No.3. The petitioner appears to have re-located the school without

permission of the competent authority and respondent No.3 was running the school in the old location. Respondent No.1 released the grant-in-aid amount for one post to respondent No.3 and now, respondent No.3 is no more. It is the case of respondents 1 and 2 that the school has become defunct and the record of school was handed over to another school.

In the circumstances, no relief can be granted in the present writ petition. However, if the petitioner has any grievance, the petitioner is at liberty to submit a representation to respondent No.1 within a period of one month from the date of receipt of a copy of this order and respondent No.1 shall consider the same and pass appropriate orders within three months thereafter.

Accordingly, this writ petition is disposed of. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

10.03.2016

MVA