

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE P.NAVEEN RAO**

PUBLIC INTEREST LITIGATION No. 341 OF 2015

Date: 28.3.2016

Between:

C Bal Venkat Reddy S/o C Venkat Reddy
R/o H NO. 87/783-2
Lecturers Colony,
Madhavi nagar, Kurnool

.....Petitioner

and

The State of A P
Rep by its Principal Secretary,
School Education Department
Secretariat, Hyderabad and others

.....Respondents

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

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PC: (Per the Hon'ble Sri Justice P.Naveen Rao)

This Public Interest Litigation is filed seeking the following relief:

"to issue a writ, order or direction, more particularly one in the nature of a Writ of Mandamus, declaring the delay and inaction on the part of the respondents 1 to 4 herein in taking action against the respondents 5 to 23 herein in pursuant to the representation dated 20.09.2015 submitted by the petitioner herein bringing to the notice about the fraud and misappropriation of Government Funds of Rs.3.5 crores committed by the respondents 5 to 23 herein, as arbitrary, illegal and consequently direct the respondents 1 to 4 herein to initiate criminal proceedings, departmental enquiry against the concerned persons and also take steps to recovery the misappropriated amount of Rs.3.5 crores from the concerned persons and to pass"

2. Petitioner claims that he retired from Government service as Deputy Educational Officer. He hails from Madavapalle, Komarole mandal, Prakasam district and from child-hood he observed the educational system in Komarole mandal and having noticed the grave illegalities committed by respondents 5 to 23, misappropriating huge public funds and as no action was taken on his complaint, this PIL is filed.

3. Petitioner alleges that the respondent no.23 misappropriated Government funds of about Rs.3.5 Crores with the active connivance of respondent nos. 2 to 22. According to the petitioner, respondent no.23 is an educational society having two unaided high schools at Kamarole and Kothapalli villages. Though, there is no provision for sponsoring of mid-day meals in private unaided schools, approximately Rs.30 lakhs was spent under this scheme in those schools. Petitioner further alleges that respondent no.23 established five private aided primary schools (respondents 16 to 20). The strength of the schools was manipulated to claim the benefits under the mid-day meals scheme and in the said manner about Rs.45 lakhs was paid to these schools.

4. Illegally huge amounts were paid in the name of teachers of the respondent schools as arrears of amounts running into lakhs of rupees. Petitioner further alleges that though the teachers (respondents 21 and 22) have not worked, arrears of salary amounting to Rs.23 lakhs were paid and in the said manner amount of Rs.2.40 crore loss is caused to the exchequer.

Petitioner alleges that instead of initiating disciplinary proceedings and departmental enquiry, no action is taken even though approximately Rs.3.5

crore public funds are misappropriated.

5. In the counter affidavit filed on behalf of respondents 1, 3, 5 to 8 the allegations made by the petitioner are denied. It is contended that astronomical figures are quoted by the petitioner only to magnify the issue. According to the deponent to the counter, from the date of introduction of mid-day meals scheme total amount of Rs.57,83,846/- was spent in the schools in respect of which PIL is filed. Tabulated statement of detailed break-up of the amounts spent for the said period and the average attendance of the schools is filed. It is, therefore, contended that wild allegations are made without any substance. Responding to the complaint filed by petitioner, Deputy Educational Officer, Markapuram conducted enquiry. During the enquiry, employees of school allege motives to Mr.M Tirupathi Reddy to make such false complaints. During the enquiry, except minor lapses, nothing adverse was proved. The enquiry report covers all issues raised in this writ petition. Though petitioner stated that about Rs.45 lakhs public money was spent, he has not given justification for making such allegation. It is further averred that as per the instructions of the Director of District Information System for Education (DISE), 2008, the school having one aided post and/or if the school is having both media and one media is having aid and school is not having aid for other media, also may be treated as aided school for the purpose of implementing mid-day meal scheme. It is therefore, contended that as per various clarifications issued, mid-day meals was validly extended to the schools run by respondent no.23.

6. In the counter affidavit filed by respondent Nos. 21 and 22, they denied the allegations made by the petitioner. According to the deponents, since they were earlier illegally denied salaries, they were paid the amounts due and payable to them.

7. In the counter affidavit filed by respondent No. 23, it is averred that the petition is motivated and is not a genuine public interest litigation. According to the deponent, petitioner is close relative of Mr.M Tirupathi Reddy, Ex-Head Master of SBNRM High School, Kothapalle,

Komarole mandal presently working as School Assistant in the same school. The said person is facing severe charges and disciplinary enquiry is pending. The said person is not allowing the enquiry to be completed and threatening the enquiry officers with dire consequences. Earlier Sri D.Balram Reddy, Ex-Mandal Educational Officer opted out from conducting enquiry on the allegation that he was threatened. It is therefore contended that present PIL is filed at his instance and in order to frustrate the enquiry proceedings.

8. It is further averred that classes 6 and 7 of the respondent no.4 school are aided and classes 8 to 10 are unaided. Teachers appointed to aided posts were taking classes to students of classes 6 and 7 which are aided and towards their salaries, the amount was released for the period from 2002-03 to 2014-15. It is further averred that all the allegations made by the petitioner in the representation were already enquired; records were thoroughly verified but no illegalities were noticed in the enquiry. Report to this extent was already submitted by the District Educational Officer, Markapur on 3.1.2015.

9. The specific objection on locus standi of petitioner to initiate Public Interest Litigation is not denied. The person prosecuting public interest litigation should not have any interest, even remotely to the cause espoused in the PIL. When specific allegations are made against the *bona fides* of the person prosecuting the PIL, which are not denied, at the instance of such person, Court is not inclined to exercise its extraordinary jurisdiction.

10. Public Interest Litigation merits no consideration and accordingly dismissed. However, it is made clear that this order does not preclude competent authority to take appropriate action as warranted by law if any allegations are found in the affairs of institutions run by respondent no.23. Miscellaneous petitions if any pending shall stand closed.

11. This Court by order dated 14.3.2016 directed depositing of an amount of Rs.25,000/-(Rupees twenty five thousand only) by the petitioner. The said amount is forfeited and Registrar Judicial, is directed to deposit the said amount to the Account of High Court Legal Services Committee.

DILIP B. BHOSALE, ACJ

P.NAVEEN RAO, J

Date: 28.3.2016

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**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE P.NAVEEN RAO**

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