

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

-
W.P.No.24281 of 2008

ORDER:

In the present writ petition, challenge is to the action of the respondents in not approving the nomination of the petitioner as Correspondent of Mennonite Brethern Central High School (MBCHS), Mahaboobnagar and the petitioner herein is also praying to set aside the proceedings Rc.No.C2/6853/08 dated 29.8.2008 of the District Educational Officer, Mahaboobnagar-3rd respondent.

2. Heard and perused the record.

3. By way of a resolution dated 10.11.2003, the Executive Council of the Governing Council of the Conference of Mennonite Brethern Church of India appointed the petitioner as Correspondent of MBC High School, Mahaboobnagar in the place of late Rev.V.K.Rufus. The said resolution was sent to the 2nd respondent-Director of School Education. The Director of School Education passed an order vide proceedings Rc.No.1471/B4-4/2004 dated 7.10.2004 saying that the proposals for approval at that stage would not be feasible of compliance on the ground of alleged involvement of the Council Members in irregularities in recruitment. The Regional Joint Director of School Education, Hyderabad vide proceedings XN Dis.No.986/A2/08 dated 25.3.2008 returned the proposals to the MBC High School, Mahaboobnagar on the ground that the District Collector is the competent authority as per GO.Ms.No.14 Edn. Dated 24.2.2006 and the proceedings of the Commissioner and Director of School Education vide Rc.No.4271/B4-2/04 dated 27.10.2004.

4. After return of the above proposals by the office of the Regional Joint Director, the Governing Council of the Conference of the Mennonite Brethern Church of India vide letter dated 10.4.2008

requested the District Collector, Mahaboobnagar to approve the Correspondentship of Sri B.A.George/petitioner herein for MBC High School, Mahaboobnagar. Subsequently, on the representation of certain individuals (K.A.David and others), the District Educational Officer, Mahaboobnagar vide proceedings Rc.No.C2/6853/08 dated 18.7.2008 issued a show cause notice, asking to explain as to why the criminal case should not be lodged against the petitioner, while referring to a representation of K.A.David and others. In the said notice, the District Educational Officer said that it was brought to his notice that in the capacity of Correspondent of Aided MBC High School, Mahaboobnagar, petitioner recommended to P.B.Arnold in getting loan of Rs.38 crores from Punjab National Bank by mortgaging the properties of the Society without any competency to do so. The contents of the show cause notice read as under:

“Sri B.A.George is informed that the proposals for approval of Correspondentship of said school in favour of him were rejected by the Director of School Education, A.P., Hyderabad through proceedings Rc.No.1471/B4-4/04 dated 7.10.2004 since the management has violated the rules of Act 1 of 1982 and G.O.Ms.No./Edn, dated 1.1.1994. The Director of School Education, A.P., Hyderabad has also issued the instructions to the District Educational Officer to instruct the Dy. Educational Officer concerned to countersign the bills of teachers for payment of salaries till the issue is settled by the Department. Accordingly, the Dy. Educational Officer, Mahabubnagar is acting as Special Officer of the said school in the place of Correspondent. As such, he is not Correspondent from the year 2004 onwards.

Whereas Sri B.A.George is acting as Correspondent of Aided MBC High School, Mahabubnagar and making correspondence with the officials and others which is against the spirit of Government Orders issued from time to time and also reflects adverse on the activities of Education Department. Recently, he has written a letter using the official letter paid to the Principal of Apex Central School, Mahabubnagar in the capacity of Correspondent of Aided MBC High School, Mahabubnagar though he was not a Correspondent of the school and he was not at all concerned to the school. His involvement is highly irregular on part of him. Further, he is also conducting staff meetings etc., in the school premises in the capacity of the Correspondent of

the school which is highly objectionable.

It is also brought to the notice of the undersigned that he, in the capacity of Correspondent of Aided MBC High School, Mahabubnagar has recommended to Sri P.B.Arnold in getting loan an amount of Rs.38 crores from the Punjab National Bank by mortgaging the properties which are belongs to Christian Society. When he is not competent authority, how can he recommended in getting loan for the said amount”.

5. In response to the said show cause notice dated 18.7.2008, petitioner submitted his explanation dated 6.8.2008, denying the allegations and requesting to exonerate him from the charges and to drop further proceedings. Subsequently, vide proceedings Rc.No.C2/6853/08 dated 29.8.2008, the District Educational Officer, Mahaboobnagar passed an order with the following directions:

1.
 - a) Sri B.A.George should not use official letter pads of Correspondent of Aided MBC High School, Mahabubnagar for any purpose at any time.
 - b) He should not use the letter pads for getting loans from the bank by mortgaging the land and property of MBC, Mahabubnagar in future.
 - c) He should handover the balance letter pad books to the Deputy Educational Officer, Mahabubnagar immediately and inform the same to the undersigned.
2. Sri B.A.George should not interfere in the school affairs and he should not enter in the school premises in the capacity of Correspondent particularly during school hours.
3. He should not involve on any property of the school for the sale or mortgage in the capacity of the Correspondent. He is no where concerned to the school in the capacity of Correspondent as his correspondentship was not accepted by the competent authority so far”.

6. Calling in question the validity and legal sustainability of the said order, the present writ petition came to be filed.

7. Pending the present writ petition, petitioner filed W.P.M.P.No.42518 of 2013 for amendment of prayer so as to enable him to ask for a direction to pass order on the representation dated

6.8.2012 filed before the 1st respondent-Government. It is also the complaint of the petitioner that no orders have been passed on the said representation. Petitioner also filed W.P.M.P.No.12571 of 2013, praying for consideration of his representation dated 6.8.2012.

8. On the directions of this Court, records pertaining to the case have been placed before this Court by the learned Government Pleader. As per the same, it is evident that the appeal filed by the petitioner is pending consideration before the 2nd respondent and the remarks have also been called for from the subordinate concerned authorities. Therefore, this Court without going into the validity or otherwise of the order impugned in the main writ petition, deems it appropriate to direct the 2nd respondent-Director of School Education to pass appropriate orders on the appeal dated 6.8.2012 filed by the petitioner by fixing some time frame.

9. For the aforesaid reasons, the writ petition stands disposed of, directing the 2nd respondent to pass appropriate orders on the appeal dated 6.8.2012 filed by the petitioner herein, after giving notice and opportunity to all the stakeholders within a period of two months from the date of receipt of this order. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 4.1.2016
DA

-
THE HON'BLE SRI JUSTICE A.V.SESHA SAI

-
-

— — — — —

W.P.No.24281 of 2008

4.1.2016

DA