

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.649 OF 2010

ORDER:

The petitioner society is a registered society under the Registration Act bearing No.4/1934-1935. The petitioner is the founder President of the society of Sri Sri Sri Sadguru Malayalaswami Varu and also founder of Vysapeetam at Yerpedu, Chittoor District. The petitioner society established two elementary schools and three high schools. The affairs of the schools are being managed by the petitioner society. The petitioner society appointed one K.Shanmugam as correspondent on 29.09.1997 and he submitted his resignation to the correspondentship on 06.06.2008. The petitioner society accepted his resignation in its Executive Committee Meeting held on 15.06.2008 and appointed one M.Amarnadh Reddy as correspondent and intimated the same to the second respondent. The third respondent - Deputy Educational Officer, Chittoor in his letter dated 14.01.2009 recommended the said name to the 2nd respondent for submission of proposals to the first respondent, who is the competent authority for recording the name of the correspondent.

2. Since no communication was received, the deponent of the writ petition, who is the President of the society was allowed to act as correspondent in the meeting of the Executive Committee held on 22.09.2009. The President of the society was acting as correspondent since the said M.Amarnadh Reddy did not take charge and he was replaced by the President. When the same was intimated to respondents 1 and 2, respondents 1 and 2 instead of acting on the said intimation, passed orders on 19.12.2009 appointing Special Officers to the two schools pending proposals for approval of the President as correspondent of the High Schools. Challenging the same, the present writ petition is filed.

3. This Court by order dated 21.01.2010 suspended the said proceedings dated 19.12.2009 for a period of six weeks and the said order was extended by further order dated 05.07.2010 which has been in operation till today.

4. No counter affidavit is filed by respondents 1 and 2.

5. Learned counsel for the petitioner submits that a Division Bench of this Court in W.P.No.13482 of 1997 in the case of **S.L.Kameshwari v. State of Andhra Pradesh**^[1] held that respondents 1 and 2 have no role in appointing the Manager to the Educational Institution and they have to act on the intimation given by the Executive Committee. In the said decision, it was held that Section 24(2) of the A.P. Education Act, 1982 provides for intimation to the competent authority and the power of appointment of Manager is not with the official respondents, but with the management only.

6. In view of the authoritative pronouncement of the Division Bench of this Court with regard to the scope of Section 24 of the A.P. Education Act, respondents 1 and 2 have no other alternative except to act on the intimation given by the executive committee. Even otherwise, the impugned order dated 19.12.2009 was only a temporary arrangement till orders of approval were communicated and such arrangement was also suspended by this Court and the President of the society, who was appointed as correspondent of the schools has been continuing as such till today. Hence, respondents 1 and 2 are directed to communicate their decision to the petitioner within a period of three months from the date of receipt of a copy of this order. If respondents 1 and 2 want to act otherwise, in approving the appointment, they should issue a show cause notice to the petitioner.

7. With the above observation, the writ petition is allowed by setting aside the order dated 19.12.2009 passed by the second respondent. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 30-03-2016

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^[1] 2003 (3) ALT 28