

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CONTEMPT CASE No. 1139 of 2016

ORDER:

- 1) The present Contempt Case came to be filed under Sections 10 to 12 of the Contempt of Courts Act, 1971, to punish the respondent for his willful disobedience in non-implementing the order dated 10.06.2016 in W.P.No.18226 of 2016, wherein this Hon'ble Court while disposing of the Writ Petition directed the 4th respondent therein to consider the representation dated 31.03.2016 made by the petitioner forthwith and pass orders in accordance with law.
- 2) Heard Sri J.Rama Mohan Rao, learned counsel appearing for the petitioner and learned Government Pleader for Social Welfare (TG) for the contemnor/respondent.
- 3) The material on record would show that the petitioner, which is a Sangham represented by one Malothu Govind Naik @ Govind seeks to consider it's representation and select candidates, whose income is below Rs.60,000/- as per the provision of the Right of Children to Free and Compulsory Education Act, 2009 by canceling the selected list of 3rd class students at Sl.Nos.4, 6, 7, 9, 10, 12, 15, 17, 19, 20, 23, for Lambada girls wing in Sl.No.3, and 4; and 5th class students at Sl.Nos.1, 2, 3 for Lambada girls and Sl.Nos.1, 2, 5, 7 for the Lambada boys; and 8th class students at Sl.Nos.1 to 6, 11 in the Lambada boys

wing and Sl.Nos.1, 6 in the Lambada girls wing, as all the candidates were having income of morethan Rs.61,000/- per annum.

4) It is the case of the petitioner that immediately after passing of the order, it made a representation intimating the order passed by this Court. Inspite of receiving the representation and order of this Court, the grievance of the petitioner is that, till date no steps have been taken. The inaction of the respondent in considering the representation is the subject matter of this Contempt.

5) A counter came to be filed by the respondent denying the averments made in the affidavit filed in support of the Petition. A reading of the counter affidavit and the documents filed along with the said counter would show that a press notification was released on 20.03.2016 in all leading Telugu News papers calling for applications from the interested S.T students for admissions into reputed Schools under Best Available Schools Scheme for the year 2016-17, fixing the last date for submission of applications as 31.03.2016. The total number of seats available under the scheme were 80 and out of which, the seats available in 3rd class are 41; 5th class 20; and in 8th class 19. A representation dated 31.03.2016 was made by the petitioner to the Collector, Nalgonda seeking admissions to (10) S.T students under Best Available Schools Scheme. In response to the same, the petitioner, in turn through the District Tribal Welfare Officer, Nalgonda, was informed that the 80 allotted seats to Nalgonda District under Best Available Schools Scheme during the year 2016-17

were already filled-up through Lot system on 06.04.2016 and that no seats are vacant under the scheme. It was also informed that the said (10) S.T students will be given admissions in any Government Tribal Welfare Hostels or Ashram Schools in Nalgonda District if they are interested. Aggrieved by the same, the petitioner filed W.P.18226 of 2016 before this Court for non considering his representation dated 31.03.2016 and also for stay of the admission of certain students, who are having income of more than Rs.61,000/- p.a. The said Writ Petition was disposed of by directing the 4th respondent therein i.e., the respondent herein to consider the representation dated 31.03.2016, in accordance with law. Pursuant to the order passed by this Court, the petitioner made a representation again on 15.06.2016 seeking admission of (10) S.T. students as suggested by him earlier, under Best Available Schools Scheme and also for implementation of the order. On receipt of the said representation on 29.06.2016, the Authority considered and rejected the same in accordance with the rules, by passing a speaking order dated 06.07.2016 vide proceedings Proc.No.TW2/960/2016. It is also stated that the said speaking order was sent to the house of the petitioner by Registered Post, which was acknowledged by the petitioner on 15.07.2016. From the above, it is said that the allegation of the petitioner that the respondent violated the orders of the High Court is incorrect.

6) It is to be noted that the Writ Petition came to be disposed of directing the respondent to consider the representation made by the petitioner on 31.03.2016 and pass orders in accordance with law. The gist of the representation, if read together, along with another representation, show that the petitioner was seeking admission of (10) S.T. students in Best Available Schools Scheme for the year 2016-17. Subsequent to the order passed by this Court, the Government considered the representation made by the petitioner on 31.03.2016 and rejected the same on 06.07.2016. It would be relevant to extract the relevant portion of the order, which is as under :-

"In view of the circumstances stated above, as per the orders of the Hon'ble High Court in W.P.No.18226 of 2016 dated 10.06.2016, representation dated 31.03.2016 made by the petitioner i.e., Sri M.Govind Naik S/o. Mangtha r/o. Bheelyanaik Thanda of Mattampally Mandal is hereby considered, examined with reference to the rules/guidelines issued under proceedings No.J2/944/2016, dated 12.03.2016 of the Commissioner of Tribal Welfare, Hyderabad and rejected. If the petitioner is willing, above (10) students referred by him shall be accommodated in any Tribal Welfare Hostel and Ashram Schools of Nalgonda District. Hence, informed."

7) Since the request of the petitioner was considered and rejected, it cannot be said that the Authorities have violated any order passed by this Court and as such the contempt case is liable to be dismissed.

8) Accordingly, the Contempt Case is dismissed. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Dt:05.12.2016
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