

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.10976 of 2015

ORDER:

The petitioner, who claims to be one of the Founder Members of the Society of Sri Durgamalleswara Educational Society, filed the present Writ Petition challenging G.O.Rt.No.97, dated 27.03.2015, keeping G.O.Rt.No.84, dated 17.03.2015, in abeyance.

2. The petitioner states that the said society established Sathavahana College, which is an integrated decree college admitted to grant-in-aid in the year 1971. The petitioner worked as Principal of the College and Secretary of the Society. He also become a Secretary and Correspondent to the College in the year 2006 and worked as such till the beginning of 2009. Thereafter, another Secretary and Correspondent took charge of the institution.

3. It appears that thereafter there was controversy with regard to the membership of the Society and its management. The Secretary and Correspondent of the said Society filed W.P.No.10806 of 2011 and on 19.04.2011 the Registrar was directed not to delete the names which were already there in the list. While so, the petitioner submitted a representation to the

3rd respondent on 10.10.2011 and on the basis of the same, an enquiry was ordered. He further states that a Division Bench of this Court in W.P.No.27867 of 2012 held that the 4th respondent herein was not a person to be recognized as Secretary and Correspondent of the Society and he was held to be not having *locus standi* to represent the Society. After disposal of the said Writ Petition, the petitioner submitted another representation on 04.04.2012 to the 3rd respondent bringing to his notice the orders passed by this Court. The 1st respondent issued Memo No.16004/CE-II.1/2011-12, dated 30.11.2012, directing the

2nd respondent to examine the earlier report of the Revenue Divisional

Officer as well as the findings of the Collector, Krishna District, along with the latest developments specifying the views of the Revenue Divisional Officer. The authorities appeared to have recommended to take appropriate action with regard to the appointment of the 4th respondent as Correspondent by appointing a Special Officer. The petitioner filed W.P.No.14256 of 2013 challenging the said appointment of the 4th respondent and it was later on withdrawn by him. He also filed another W.P.No.23330 of 2014 and the same is pending.

4. Be that as it may, the 1st respondent issued G.O.Rt.No.84, dated 17.03.2015 suspending the management of the college and appointing the District Collector and Magistrate, Krishna District as Special officer until further orders. However, when the said order was kept in abeyance in G.O.Rt.No.97, dated 27.03.2015, the present Writ Petition is filed.

5. The 1st respondent filed counter affidavit stating as follows:

“17. In reply to the events in Para No.11 and 12 of the affidavit, it is respectfully submitted that in circulation, the Hon'ble Chief Minister has ordered that keep the G.O. in abeyance and issue notice to both parties and take action appropriately under Clause (2). Accordingly, in G.O.Rt.No.97, Higher Education (CE) Department, dated 27.03.2015, orders were issued keeping the G.O.Rt.No.84, Higher Education (CE) Department, dated 17.03.2015 in abeyance until further orders. In Govt. Memo No.16004/CE/A2/2011-12, dated 27.03.2015, show cause notice was issued to the management of Satavahana College, Vijayawada, Krishna District and Sri G. Prajapathi Rao, Founder Member, Satavahana College, Vijayawada as to why action should not be taken against them under Section 24 (3)(a) of the A.P. Education Act, 1982 to suspend the Management and appoint a Special officer till the reconstitution of the Management for allegations leveled against them and directed to submit their explanation within (15) days from the date of receipt of these orders.

18. It is respectfully submitted that the Management of

Satavahana College, Vijayawada, Krishna District and Sri G. Prajapathi Rao, Founder Member, Satavahana College, Vijayawada, have submitted their explanations to the above said show cause notice. After careful examination of the entire matter, appropriate orders will be issued accordingly.”

6. The 4th respondent also filed a separate counter affidavit.

7. A reply affidavit is filed by the petitioner.

8. Though learned counsel for the petitioner has raised several contentions, this Court is not inclined to go into the validity of the contentions raised by the petitioner, in view of the pendency of the matter before the 1st respondent, consequent to the issuance of Memo dated 27.03.2015 and the submission of explanations by the petitioner and the 4th respondent.

9. In view of the same, this Writ Petition is disposed of directing the 1st respondent to consider the explanation submitted by the petitioner and the 4th respondent in accordance with law and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

The miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date:28.04.2016

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