

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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W.P. No.31437 of 2014, W.P. No.1403 of 2015

and

W.P. Nos.1258, 10211 & 16781 of 2016

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COMMON ORDER:

All these writ petitions are being disposed of by this common order, as they relate to the same cause of action.

W.P. No.31437/2014 was filed by one Dr. P.Helen Manorama challenging the action of respondent No.2 therein in accepting the report of respondent No.3 dated 24.09.2014 and demoting the petitioner from the post of In-charge Principal based on the finding of said report without affording an opportunity. One S.Sree Hari filed W.P.No.1403/2015 challenging the action of respondents in the said writ petition in not considering his case for appointment as Principal in S.T.B.C. College, Kurnool and for a consequential direction to the respondents therein to consider his case and promote him as Principal in the existing vacancy, since he is the senior most Lecturer in the college. The petitioner in W.P.No.31437/2014 along with the Samavesham of Telugu Baptist Church (STBC) College, Kurnool filed W.P. No.1258/2016 challenging the action of respondent No.2 Commissioner in issuing the proceedings dated 11.01.2016 and the consequential orders of Regional Joint Director of Collegiate Education, Kadapa in proceedings dated 13.01.2016 in interfering with the functions of petitioner No.2 as Principal (FAC) in S.T.B.C. College, Kurnool. The said two petitioners filed two more writ petitions, one in W.P.No.10211/2016 challenging the action of respondent No.4 therein in not receiving the pay bills of petitioner No.1 institution, and the another in W.P. No.16781/2016 challenging the

proceedings of respondent No.2 therein dated 17.05.2016.

This Court by order dated 14.06.2016 in W.P.Nos.1258 and 16781 of 2016, while admitting the writ petitions and posting the cases along with other cases, opined that in view of the earlier pronouncement of this Court in W.P.No.7154/1997 dated 19.03.1999, the college run by petitioner No.1 i.e., S.T.B.C. College is a minority institution and there was no dispute with regard to the management of said College and in view of the status of College being the minority institution and suspended the orders challenged in W.P. Nos.1258 and 16781 of 2016.

Now, the Government filed W.V.M.P. No.2603/2016 in W.P.M.P.No.20668/2016 in W.P.No.16781/2016 and the petitioner in W.P. No.1403/2015 i.e., S.Sree Hari also filed a separate petition in W.V.M.P. No.2253/2016 in W.P.M.P.No.20668/2016 in W.P.No.16781/2016 seeking vacation of the said interim order dated 14.06.2016.

While taking up the aforesaid petitions along with the writ petitions, it transpired that the dispute revolves round two points, which are as follows:

- (1) The minority status of S.T.B.C. College, Kurnool; and
- (2) The seniority of Dr. P.Helen Manorama vis-a-vis the position of petitioner in W.P. No.1403/2015 i.e., S.Sree Hari.

Learned Senior Counsel appearing for the petitioners in W.P. Nos.1258, 16781 and 10211 of 2016 submits that the Andhra Pradesh State Minorities Commission appointed by the then Government of Andhra Pradesh issued a letter on 13.12.1982

treating the S.T.B.C. College of Arts & Commerce, Kurnool as a minority institution and in view of the same, the said College continues to be a minority institution.

On the other hand, learned Government Pleader submits that in view of the G.O.Ms.No.1, Minorities Welfare (M&R) Department, dated 16.01.2004, which was issued in supercession of all the earlier orders, the College should have got a fresh minority certificate, but it failed to obtain the same. It also came to light that there is an *inter se* seniority dispute between petitioner No.2 in W.P.No.1258/2016 i.e., Dr. P.Helen Manorama and respondent No.4 therein i.e., S.Sree Hari, who is claiming for being appointed to the post of Principal. It also came to light that this Court in an earlier round of litigation in W.P.No.7154/1997 pronounced an order on 19.03.1999 holding that the college run by petitioner No.1 in W.P.No.1258/2016 is a minority institution. The said finding was recorded obviously prior to the issuance of G.O.Ms.No.1 dated 16.01.2004. The Government has not issued any notice to petitioner No.1 College taking action pursuant to G.O.Ms.No.1 dated 16.01.2004 with regard to the status of petitioner No.1 College and it led to serious dispute with regard to the management of affairs of the College. In the circumstances, this Court thought it fit to dispose of all the writ petitions, with the consent of counsel appearing for the parties as follows:

“The cases of petitioners in all these writ petitions are remanded to the Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad (for short, “the Commissioner”) for deciding the following points after hearing the parties before this Court:

(i) The status of petitioner No.1 College i.e.,

S.T.B.C. College in the light of earlier orders prior to issuance of G.O.Ms.No.1 dated 16.01.2004 and the status of said College after issuance of G.O.Ms.No.1 dated 16.01.2004.

- (ii) The parties are at liberty to file necessary documents with written submissions in support of their case before the Commissioner for deciding the status of S.T.B.C. College.
- (iii) If the Commissioner comes to the conclusion that the S.T.B.C. College enjoys the minority status, no interference shall be made by the official respondents with regard to internal affairs of the management of the college.
- (iv) If the Commissioner comes to the conclusion that the S.T.B.C. College does not enjoy the minority status, it is open to the Commissioner to consider the case of *inter se* seniority of petitioner No.2 in W.P.No.1258/2016 i.e., Dr. P.Helen Manorama and respondent No.4 therein i.e., S.Sree Hari and pass appropriate orders appointing one of them as a Principal of the College.

The entire exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order and the parties are given time of four (4) weeks for filing their documents and submitting written submissions. The interim order passed by this Court on 14.06.2016 shall continue till disposal of the matter by respondent No.2 Commissioner as stated above.”

Accordingly, all the Writ Petitions are disposed of. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

27.07.2016

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