

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 20557 of 2016

ORDER:

Heard.

The present writ petition is filed under Article 226 of the Constitution of India, with the following prayer:

'For the reasons stated in the accompanying affidavit, it is prayed that his Hon'ble Court may be pleased to issue a writ, order or direction more particularly in the nature of writ of mandamus or any other appropriate writ –

- a. to declare the action of respondent Nos.1 to 3 in entertaining the proposal made by respondent Nos.4 and 5 for change of management of Srivari Educational Society which was running 'Padmavathi Degree College' to Sri Chaitanya Educational Society as illegal arbitrary and in gross violation of A.P.Education Act, 1982 and Rule 14 (4) of the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration & Control of Institution of Higher Education) Rules, 1987 issued vide G.O.Ms.No.29, Education Department, dated 05.02.1987, as such the change of management itself done like any other business transaction which is impermissible under law;
- b. to declare the action of respondent Nos.1 to 3 in simultaneously entertaining, change of management and shifting application at a time to be in gross violation of Rule 7 of the Rules published by respondent No.2 in its website;
- c. to declare the action of respondent Nos.1 to 3 in entertaining a college shifting application from Pullareddy Nagar to Co-operative Colony, Kavali in violation of Section 20(2) of A.P.Education

Act, 1982 Rule 14 (3) of G.O.Ms.No.29,
Education Department, dated 05.02.1987,
and also violative of clauses 9 and 10 of
the circular issued by respondent No.2,
dated 26.10.2015,

- d. to pass such other order(s) as this
Hon'ble Court may deem fit and proper in
the circumstances of the case'.

Though various grounds are raised, learned counsel for the petitioner mainly submits that his representation dated 29.05.2016 bringing to the notice of the authorities the illegal acts of respondent Nos.4 and 5, is not considered till date.

Hence, without going into merits of the case, the writ petition is disposed of directing the first respondent to consider the representation dated 29.05.2016, made by the petitioner – college in accordance with law, as early as possible, preferably within a period of three weeks from the date of receipt of a copy of the order.

It is needless to mention that the petitioner and respondent Nos.4 and 5 shall be heard before passing any orders on the said representation.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

27.06.2016,
vhb