

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.3403 of 2016

ORDER:

Pursuant to the order of this Court dated 24.08.2016, Sri B.Yadaiah, who is impleaded as respondent No.12, filed an affidavit, wherein it is stated that, in the year 2009, i.e. on 13.02.2009, with an intention to revive 4th respondent - College as there was demand from the students, a letter was addressed to the Commissioner, Department of Employment and Training, Government of Andhra Pradesh, Hyderabad requesting to depute affiliation committee for the year 2009-2010. The Government, accordingly, permitted as per the affiliation procedure vide memo dated 04.06.2009 and allotted trade units such as (i) Fitter – 04 (4 x 20 = 80 students); (ii) Electronics – 8 units (8 x 20 = 160 students); (iii) Diesel Mechanics - 4 units (4 x 20 = 80 students). A copy of the government memo and list of colleges is enclosed to the affidavit.

In para 9, it is stated that, as per the regulations of admission of the students, the District Convenor/Principal Government ITI is the competent authority to give admission and inspect the premises duly verifying the attendance of the students, then only the process of issue of hall tickets and declaration of results would be undertaken.

In para 10, it is stated that Sri A.Kurumurthy, District Convenor/Principal, Government ITI Sangareddy, Medak and

Sri V.Mahesh Kumar, District Convenor, Medak, presently working as Principal, Government ITI, Patancheru, Medak had verified the attendance and names of the trainees in DSC list of 4th respondent – College in addition to all Government and Private ITI's in Medak District and forwarded hall tickets of AITT July, 2014 (Semester and Non-Semester) to RDD (A) Hyderabad. During the year, 2013, admissions were made through online system. The authorities, having taken admission through online, inspected the units and colleges and forwarded the list to the higher authorities. The affiliation orders were verified during the process of admission of the candidates and, based on the approved DSC list, and three months attendance (i.e., April, May and June, 2014), hall tickets were forwarded to RDD (A) Hyderabad for further approval for issuance of hall tickets to the trainees.

In his affidavit, Sri B.Yadaiah – respondent No.12 further stated that, in the year 2013-2015, fitter trainees were admitted through online process under semester system and, accordingly, three semester exams were conducted and results were declared. The fourth semester exam was conducted but results were not declared.

Pursuant to the directions of this Court in the instant writ petition, a criminal case was registered against Sri B.Yadaiah - respondent No.12, vide FIR.No.63 of 2016, alleging that he has committed offence under Section 420 IPC. On filing the said FIR, the police issued notice under

Section 41-A Cr.P.C. Respondent No.12 was, thereafter, enlarged on bail.

In his affidavit, respondent No.12 states that, during the course of hearing of W.P.No.3403 of 2016, which was filed by some of the students of 4th respondent - College, this Court directed the government to file a criminal case against 4th respondent – College. It is stated that he is working for the welfare of the down-trodden community, especially, SC and STs and helping them in all aspects without causing hardship to the candidates. He states that he has not received any amount after 17.01.2013. Except the typographical statement showing that the amount was received by him on 17.01.2013, the other amounts in the statements relates to his personal bank transactions.

Vide the present petition, the petitioners – students prayed before this Court that the respondents may be directed to declare the supplementary exam results of 1st, 2nd, 3rd and 4th Semesters of ITI Fitter Course.

Pursuant to the directions of this Court, results had already been declared on 23.07.2016. But, what is troubling this Court is that the government authorities have not worked properly and they are playing game-blame on the other side.

As per the enquiry report given by the three man committee, 4th respondent – College has not been functioning for the last 16 years.

In his counter affidavit, the Director of Employment and Training, Telangana State, Hyderabad states that 4th respondent – College is being run without affiliation. Therefore, three man committee recommended for registration of case against 4th respondent – College.

Based on the information given by the official respondents, respondent No.12 was produced in Court today. After going through the affidavit filed by respondent No.12, it is not out of place to record that the officers of the Director of Employment and Training are totally irresponsible and gave information to this Court just to pass the buck on the other side. This Court spent lot of time just to find out whether the poor people has been cheated. The reports are totally contradictory and counter affidavits have been filed by the government officials without any documents in support thereof.

Keeping in view the affidavit filed by Sri B.Yadaiah – respondent No.12, who had filed bank statements, that he has given training on the request of the Department of Employment and Training and the officers of the said department, who have been blaming that he had cheated the poor and misappropriated the amount for his personal use, I can only say that court time is precious. I do not want to waste much time. The prayer sought has already been satisfied. The results of the petitioners have since been

declared, as submitted by the counsel for the petitioners, I hereby close the chapter.

Since FIR.No.63 of 2016 was registered during the pendency of this Writ Petition for no fault of respondent No.12, I hereby quash FIR.No.63 of 2016.

Accordingly, the Writ Petition is disposed of.

Miscellaneous Petition pending, if any, shall also stand disposed of. However, in the circumstances, without costs.

SURESH KUMAR KAIT, J

Dt.08.09.2016
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