

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE MS. JUSTICE J.UMA DEVI

**WRIT PETITION Nos.1324 of 2002, 21826 of 1999, 21827 of
1999, 1994 of 2004 and 2000 of 2004**

COMMON ORDER: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The petitioner, in all these Writ Petitions, is the Samavesham of Telugu Baptist Churches represented by its General Secretary. The petitioner, a registered society, claims to have established 44 educational institutions spread over several districts in the States of the Andhra Pradesh and Telengana. The 5th respondent in W.P.No.1324 of 2002, claiming himself to be the Additional General Secretary of the petitioner-society, filed W.P.No.1993 of 1993 seeking a direction to the respondents to approve the names of persons, nominated by him as correspondents of various educational institutions administered by the petitioner-society. W.P.No.1993 of 1993 was disposed of at the stage of admission, by order dated 17.04.1993, directing the respondent-authorities to consider the representation dated 16.06.1992 submitted by the fifth respondent- Sri C.D.Prakash Rao. Aggrieved thereby, the petitioner filed W.A.No.61 of 1994 contending that they had already obtained an order of temporary injunction against Sri C.D.Prakash Rao in O.S.No.118 of 1991 in the Court of the Senior Civil Judge, Nellore; and Sri C.D.Prakash Rao had filed O.S.No.87 of 1991 on the file of

the Court of the Subordinate Judge, Markapur wherein temporary injunction was not granted in his favour. W.A.No.61 of 1994 was allowed, by order dated 24.01.1994, setting aside the order passed in W.P.No.1993 of 1993; and both parties were directed to abide by the judgment in O.S.No.118 of 1991 and O.S.No.87 of 1991; and the latter Suit was directed to be transferred to Nellore to be disposed of along with the former Suit. After its transfer, O.S.No.87 of 1991 was renumbered as O.S.No.40 of 1994. While O.S.No.118 of 1991, filed by the petitioner herein, was decreed granting permanent injunction restraining Sri C.D.Prakash Rao from interfering with the administration and affairs of the petitioner society and its constituent bodies, O.S.No.40 of 1994 was dismissed by judgment dated 16.07.1999. W.P.No.21826 of 1999, filed by Sri C.D.Prakash Rao, was filed by the petitioner herein to approve the correspondents nominated by them in the light of the decree in O.S.No.118 of 1991 dated 16.07.1999. W.P.No.21827 of 1999 was filed by the petitioner seeking the same relief in respect of other institutions.

The Government of Andhra Pradesh issued G.O.Rt.No.627, Higher Educational (CE.III) Department dated 03.09.2001 approving the correspondents, nominated by Sri C.D.Prakash Rao, on the ground that A.S.No.55 of 1999, filed by him against the judgment and decree in O.S.No.118 of 1991, was still pending. The

Commissioner of Intermediate Education, Hyderabad issued proceedings dated 21.01.2002 approving the nomination of correspondents by Sri C.D.Prakash Rao for various educational institutions. Aggrieved thereby, the petitioner filed W.P.No.1324 of 2002. While directing the Writ Petition to be listed along with W.P.Nos.21826 of 1999, 21827 of 1999 and 5096 of 2000, this Court, by order in W.P.M.P.No.1549 of 2002 in W.P.No.1324 of 2002 dated 29.01.2002, granted interim suspension of the proceedings dated 21.01.2002. The official respondents were directed to take over management of the educational institutions referred to in the proceedings dated 21.01.2002, and appoint officials to administer the management of the educational institutions. With respect to some other institutions, which the petitioner claims to administer, G.O.Rt.No.627 dated 03.09.2001 was implemented, and proceedings were issued by the Commissioner of Intermediate Education, Hyderabad questioning which the petitioner filed W.P.No.1994 of 2004 and W.P.No.2000 of 2004. The proceedings impugned in these Writ Petitions, were suspended by this Court, and special officers were directed to take charge of the institutions.

While matters stood thus, A.S.No.55 of 1999 filed by Sri C.D.Prakash Rao was dismissed, and the judgment and decree in O.S.No.118 of 1991 was confirmed. Likewise A.S.No.87 of 1999 filed by Sri C.D.Prakash Rao, against the dismissal of O.S.No.40 of 1994,

was also dismissed by a common judgment dated 28.04.2006 passed by the III-Additional District Judge, Nellore. Thereafter, the petitioner filed W.P.No.11988 of 2016 and, by order dated 12.04.2016, a learned Single Judge of this Court observed that the petitioner had submitted representation dated 14.12.2015 in this regard. The Writ Petition was disposed of directing the respondent-authorities to consider the petitioner's representation dated 14.12.2015, in the light of the judgment passed in A.S.No.55 of 1999 dated 28.04.2006, within four weeks from the date of receipt of a copy of the order. Pursuant thereto the Commissioner of Intermediate Education, by proceedings dated 25.07.2016, approved appointment of Rev. G.D. Diwakar, a person nominated by the petitioner as the correspondent of four junior colleges.

As noted hereinabove, G.O.Rt.No.627 dated 03.09.2001 was issued by the Government on the ground that A.S.No.55 of 1999 and A.S.No.87 of 1999 filed by Sri C.D.Prakash Rao, against the judgments in O.S.No.118 of 1991 and O.S.No.40 of 1994, were still pending consideration of the III Additional District Judge, Nellore. As both these appeals were dismissed by the III-Additional District Judge, Nellore, by his common judgment dated 28.04.2006, the very premise, on which G.O.Rt.No.627 dated 03.09.2001 was based, is no longer valid. Consequently, G.O.Rt.No.627 dated 03.09.2001, and all proceedings issued consequent thereto, are set aside. Suffice it to

make it clear that this order shall not preclude the respondents, including the 5th respondent in W.P.No.1324 of 2002, from questioning the validity of the order of the Commissioner of Intermediate Education dated 25.07.2016 in appropriate legal proceedings.

All the Writ Petitions are, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

07.09.2017
Gsn/Kr



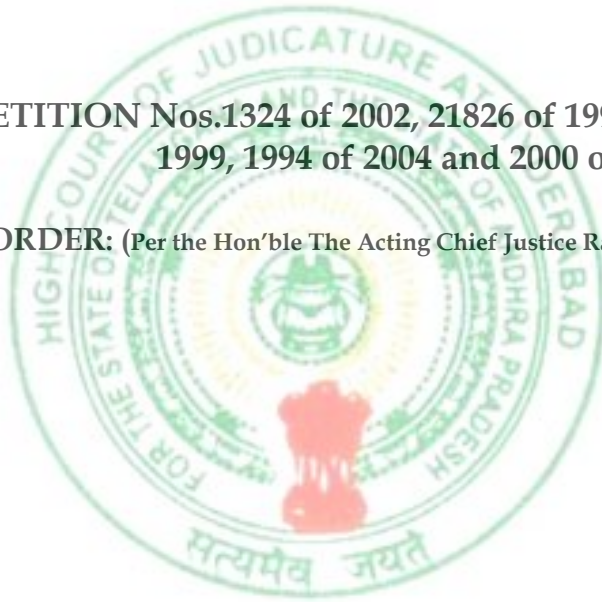
(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

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Dt. 7.9.2017