

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.21729 of 2017

ORDER:

Heard both sides. With the consent of both parties the writ petition is disposed of at the admission stage.

2. The present writ petition is filed seeking issuance of writ of mandamus declaring the action of respondent Nos.2 to 4 in not permitting the petitioner to withdraw the fixed deposit of Rs.4 lakhs, which was deposited in the name of Correspondent of Sri Vidya Educational Society vide S.No.SBD 896542, dated 19.12.2008, along with interest in respect of A/c.No.33954050003760/1 of Syndicate Bank, 'C' Camp Branch, Kurnool, inspite of resolution dated 07.10.2015 of the Society and representations dated 27.11.2015, 28.04.2017 and 20.06.2017, as illegal and arbitrary.

3. The averments in the affidavit filed in support of the writ petition would show that the petitioner is the President of Sri Vidya Educational Society, which was a registered Society as per Registration Act, XXXV of 2001. It is stated that the petitioner Society established a private unaided Junior College in the name of Kurnool Masters Junior College, in Kurnool District, in the year 2009, by furnishing fixed deposit of Rs.4 lakhs in the name of Secretary – respondent No.2 and respondent No.3. Subsequently, in the month of June, 2012, the Society decided to stop further admissions, due to financial losses and accordingly the Society closed the Masters Junior College. It is stated that the same was unanimously accepted by the resolution dated 07.10.2015. Further, it

was also resolved to withdraw the FDR partially, including the interest which got accrued in the name of the Correspondent and that Rs.2 lakhs would be kept as Corpus Fund for Kurnool Masters Junior College, Kurnool. It is stated that in respect of other colleges, respondent No.2 permitted to withdraw partial fixed deposit in Kurnool District. But, when the same was represented by the petitioner vide letter dated 27.11.2015, by retaining Rs.2 lakhs as per the latest Rules and Circulars of respondent No.2 – Board, a show cause notice dated 20.04.2017, came to be issued to the petitioner, through respondent No.4, stating as to why the college permission should not be cancelled due to its non-functioning from the year 2012. The petitioner submitted his reply to the show cause notice on 28.04.2017, requesting to withdraw the recognition of the college and further requested to release total fixed deposit amount which is in the name of Secretary – Sri Vidya Educational Society and DVEO – respondent No.3, which was jointly deposited vide fixed deposit S.No.SBD 896542, issued by Syndicate Bank, 'C' Camp, Kurnool, immediately. But, till date, respondent No.2 neither cancelled the recognition nor permitted the Society to withdraw the fixed deposit along with interest, inspite of second representation on 20.06.2017. The inaction of respondent No.2 in considering the representations dated 27.11.2015, 28.04.2017 and 20.06.2017, lead to filing of the present writ petition.

4. Learned counsel for the petitioner would submit that pursuant to the show cause notice dated 20.04.2017 issued in proceedings Rc.No.15/ A.P./ E3-3/ 2016-17-184, the petitioner gave a reply informing the authorities that they are closing the said college due to financial crisis. In view of the same, he submits that his representation dated

20.06.2017 seeking withdrawal of Fixed Deposit may be considered, at the earliest.

5. Learned Standing Counsel for respondents would submit that if the said representation is still pending consideration, the same may be directed to be dealt with, in accordance with law.

6. Recording the above submissions, the writ petition is disposed of directing respondent No.2 to deal with the representation made by the petitioner dated 20.06.2017, in accordance with law, if it is made and is still pending consideration, as early as possible, preferably within a period of two months from today. No costs.

7. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed.

04.07.2017
vnb

JUSTICE C. PRAVEEN KUMAR

