

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Contempt Case No. 1987 of 2017

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

This Contempt Case is filed alleging violation of the order passed by this Court in W.A.No.1045 of 2017 dated 01.08.2017. W.A.No. 1045 of 2017 was preferred against the order passed by the learned Single Judge in W.P.M.P. No. 29483 of 2017 in W.P. No. 23825 of 2017 dated 19.7.2017, whereby interim suspension of the memo dated 7.7.2017 was granted on the ground that the said memo dated 07.07.2017, (whereby the earlier memo dated 29.5.2017 was withdrawn), was issued without notice to the 5th respondent. The memo dated 29.5.2017 was issued by the Government without recording reasons therein, and without issuing a notification for grant of exemption.

Since Section 100 of the Andhra Pradesh Education Act, 1982 (hereinafter referred to as "the Act") enables grant of exemption on fulfilment of two conditions ie, (1) reasons must be recorded for grant of exemption and (2) the exemption should be granted by way of a notification, the Government, itself, issued the subsequent memo dated 7.7.2017 cancelling the earlier memo dated 29.5.2017. During the hearing of the Writ Appeals, it was admitted before us that the earlier memo dated 29.5.2017 fell foul of Section 100 of the Act. We had, therefore, held that, once it is admitted that the earlier memo dated 29.5.2017 was contrary to Section 100 of the Act, the mere fact that the 5th respondent was not put on notice before the memo dated 7.7.2017 was issued, (cancelling the earlier memo dated 29.05.2017) was of no consequence. The order under appeal was set aside; and as both the counsel stated that the cause, in W.P. No. 23825 of 2017, did not survive, the writ petition was also dismissed as infructuous.

Sri P.V. Krishnaiah, learned counsel for the petitioners, would submit that Memo dated 31.8.2017 was issued by the Secretary, Board of Intermediate Education to the Regional Inspection Officer to inspect the College as per Rules, and offer his specific recommendations whether the request of Mavillapalli Venugopal Education Society, for sanction of a new unaided private Junior College at Pigila Village, Balayampalli Mandal, Nellore District, could be accepted; and proposals were directed to be submitted by the Regional Inspection Officer along with Form I. This letter, addressed by the Secretary, Board of Intermediate Education to the Regional Inspection Officer on 31.8.2017, is contended, by Sri P.V.Krishnaiah, learned counsel for the petitioner, to be in wilful and deliberate violation of the order passed in W.A. Nos. 1043 and 1045 of 2017 dated 1.8.2017.

All that we had done, by the order in W.A. Nos.1043 and 1045 of 2017, was to uphold the validity of the memo dated 7.7.2017 cancelling the earlier memo dated 29.5.2017. As a consequence thereof, the order passed by the Government in memo dated 29.05.2017, granting exemption under Section 100 of the Act, ceased to remain in force.

The question whether or not the request of Mavillapalli Venugopal Education Society, for sanction of a new private unaided junior college at Pigila Village, Balayampalli Mandal, Nellore District, should be considered was not the subject matter of the Writ Appeals. Consequently, the order passed by us in W.A. No. 1045 of 2017 dated 1.8.2017 cannot be said to have been violated merely because the letter dated 31.08.2017 was issued.

Proceedings, under the Contempt of Courts Act, are quasi criminal in nature, and it is only on a clear case, of wilful and deliberate violation of the order of this Court, being made out beyond reasonable

doubt, would this Court be justified in exercising jurisdiction under the Contempt of Courts Act.

As noted hereinabove, the proceedings, which forms the basis for filing the present Contempt Case, is wholly extraneous to both W.A. Nos. 1043 and 1045 of 2017 and W.P. No. 23825 of 2017. We see no reason, therefore, to entertain this Contempt Case or to proceed against the respondents under the Contempt of Courts of Act. Suffice it to make it clear that we shall not be understood as having expressed any opinion on the validity or otherwise of the proceedings dated 31.8.2017, as its validity can only be examined in appropriate legal proceedings, and not in proceedings under the Contempt of Courts Act.

The Contempt Case fails and is, accordingly, dismissed. No order as to costs.



(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

8th December, 2017

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Date: 8.12.2017

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