

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25280 OF 2012

ORDER:

This writ petition is filed seeking writ of mandamus declaring the Memo No.10695/SE-Prog.I/A2/2010, dated 26.04.2011 as illegal and arbitrary and consequently to direct the respondents to name the school as "Seeram Ramanand Memorial Zilla Parishad High School", Pydikonda, East Godavari District.

2. It is the case of the petitioner that he was born and brought up at Pydikonda Village, Thondangi Mandal, East Godavari District and had his primary education at his native village. That he had to go to his neighbouring village for his High School education and he pursued part time studies while working in Hyderabad and acquired higher qualifications of Masters Degree in Engineering and Ph.D. He started his career in ECIL and subsequently worked in several private and public undertakings in various capacities. He last worked as Principal, Director of Central Institute of Tool Design (under the Ministry of Micro Small & Medium Enterprises (MSME), Government of India), Hyderabad. That he left his native place for higher studies and better prospects but has embedded his roots in his native place and when he had been visiting his native place from time to time and observed that educational opportunities have not been improved even after 40 years of his High School education. That he had two sons and the elder son who was studying B.Tech in Mechanical Engineering met with a road accident and died in the year 2002. That during his discussions with local authorities, he came to

know about the requirement of a building for High School in Pydikonda and he was also informed about the provisions of G.O.Ms.No.231 dated 03.09.1994. Subsequently, he offered to contribute 25% of the cost of construction of the building for high school at his native place at Pydikonda and requested the authorities to name the Zilla Parishad High School as 'SEERAM RAMANAND MEMORIAL ZILLA PARISHAD HIGH SCHOOL' in memory of his late son Seeram Ramanand. That he paid an amount of Rs.1,50,000/- to the District Collector & Chairman of Sarvasiksha Abhiyan, East Godavari District, through D.D. bearing No.543369, drawn on SBH, Kakinada towards 25% of the total estimated cost of Rs.4.8 lakhs for the construction of building for High School at Pydikonda Village, East Godavari District as per G.O.Ms.No.231, dated 03.09.1994. The District Collector, East Godavari District received and accepted the said amount towards 25% of the cost of construction of the building. The petitioner further donated a sum of Rs.75,000/- on 18.02.2007 to the District Collector, East Godavari District, further to the 25% of the cost of the construction of the High School. That the District Educational Officer-4th respondent addressed letter No.Rc.No.82/SSA-7/0, dated 07.06.2007 addressed to the Director of School Education observed that the petitioner donated an amount of Rs.2.25 lakhs i.e., over and above the cost of construction of School Building prior to the issuance of G.O.Ms.No.162, SE, dated 14.11.2004, which stipulates that an amount of Rs.10,00,000/- is to be donated for naming the High School. It is also stated in the said letter that G.O.Ms.No.231,

dated holds good, since the petitioner deposited the amount and received by the authorities during the month of August, 2004. That the 4th respondent requested the 2nd respondent to issue necessary orders for naming of the school as SEERAM RAMANAND MEMORIAL ZILLA PARISHAD HIGH SCHOOL, Pydikonda, East Godavari District, basing on the G.O.Ms.No.231, dated 03.09.1994. Subsequently, the 5th respondent through letter dated 01.10.2007 requested the 2nd respondent to issue necessary orders. Thereafter, the 2nd respondent addressed letter dated 29.11.2007 to the 1st respondent requesting to issue necessary orders in respect of the subject matter. The 1st respondent issued a Memo No.19511/Trg./A3/2008, dated 21.02.2008 permitting to write the name of the donor on plaque and fix to the wall outside the Rooms. Aggrieved by the same, petitioner filed W.P.No.16789 of 2008 as it is contrary to G.O.Ms.No.231, dated 03.09.1994, which was disposed of on 17.12.2008 directing the 1st respondent to consider and dispose of the representation of the petitioner dated 12.09.2008, within a period of four weeks, on merits. But the 1st respondent had not considered the same, in spite of several representations. But issued a Memo dated 26.04.2011 holding that the orders passed by the Government in Memo No.19511/Trg.A3/2008, dated 21.02.2008 are justifiable. It is stated that the respondents having accepted the donation from the petitioner, unilaterally, without affording any opportunity to the petitioner issued impugned order in the W.P.No.16789 of 2008. Aggrieved by the same, present writ petition is filed.

3. Counter affidavit is filed by the respondents 1 to 5 admitting about the donations made by the petitioner in two installments totaling Rs.2,25,000/- and that the same had been accepted by the respondents as per G.O.Ms.No.231, dated 03.09.1994. It is stated that the Government subsequently issued G.O.Ms.No.162 SE (M1-2) Department, dated 14.11.2004 informing the procedure to be followed in naming of Institution after the Donors/Philanthropists. It is stated that due to rejection of the appeal of the petitioner by the 3rd respondent, the petitioner approached the 1st, 4th and 5th respondents vide letter dated 23.04.2007 and 15.05.2007 with a request to name the school as 'Seeram Ramanand Memorial Z.P High School, Pydikonda', as the donation was paid by him prior to issuance of G.O.Ms.No.162, dated 14.11.2004. It is stated that basing on the letters addressed by the 4th and 5th respondents on 07.06.2007 and 01.10.2007 respectively, the 2nd respondent issued a memo dated 21.02.2008 permitting to name the specific class rooms of Z.P.High School, Pydikonda after the son of the petitioner. Aggrieved by the said memo, the petitioner preferred WP.No.16789 of 2008, which was disposed of by this Court on 17.12.2008, with a direction to consider the representation of the petitioner and pass appropriate orders. In obedience to the orders of this Court in the aforesaid writ petition, after considering the representation of the petitioner, the 1st respondent while reiterating the orders issued earlier in Memo dated 21.02.2008, issued Memo dated 26.04.2011 and sought for dismissal of the writ petition.

4. Heard learned counsel for the petitioner and learned Government Pleader for School Education appearing for respondents 1 to 6.

5. Learned counsel for the petitioner submits that though the petitioner had paid an amount of Rs.2,25,000/- in two installments, as per G.O.Ms.No.231, dated 03.09.1994 i.e., 25% of the cost of construction of High School building, the 1st respondent had not considered the same and issued impugned Memo dated 26.04.2011. He submits that even prior to the issuance of G.O.Ms.No.162, dated 14.11.2004, the petitioner had donated the amount of Rs.2,25,000/-.

6. In this case, it is to be seen that the petitioner's elder son died in a road accident while studying B.Tech. The petitioner came to know about G.O.Ms.No.231, dated 03.09.1994, wherein it is stated that School or college may be named after the donor, when the donation at 25% of the estimated cost of the building of the institution is paid and that he wanted to donate for the construction of high school building in the name of his deceased son by name Sreeram Ramanand and in that process, he had donated an amount of Rs.2,25,000/- in two installments i.e., Rs.1,50,000/- through D.D.No.543369 and Rs.75,000/- through cheque No.107443, dated 18.02.2007 for construction of school building to ZPHS, Pydikonda to the respondents and same was accepted. After receipt of the said amount from the petitioner, the 4th respondent addressed letter dated 07.06.2007 to the 2nd respondent seeking orders for naming the school as 'Seeram Ramanand Memorial ZPHS, Pydikonda' of Thondangi Mandal.

The 2nd respondent in turn transferred the said letter to the 1st respondent, who in turn passed orders dated 21.02.2008 permitting the 4th respondent to name the specific class rooms of Z.P.High School, Pydikonda, East Godavari District after son of the petitioner as 'Donated in memory of Seeram Ramand' duly written on a plaque and fix to the wall outside the rooms. Aggrieved by the same, the petitioner filed writ petition i.e., W.P.No.16789 of 2008, wherein this Court disposed of the same on 17.12.2008, directing the 1st respondent to consider the representation of the petitioner and pass appropriate orders. But without considering the letter addressed by the 4th respondent dated 07.06.2007 and also without considering the representation of the petitioner, the 1st respondent issued Memo dated 26.04.2011 reiterating the earlier order dated 21.02.2008 as justifiable.

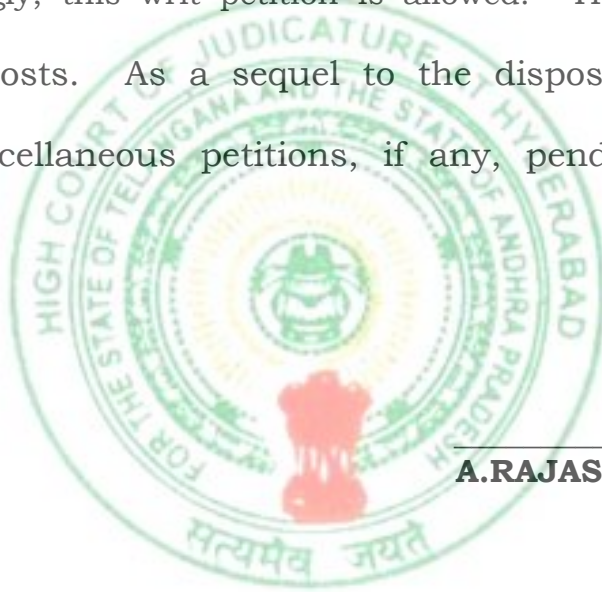
7. It is an admitted fact that petitioner paid an amount of Rs.1,50,000/- on 13.08.2004 through DD No.543369 i.e., towards 25% of the total estimated cost of Rs.4.8 lakhs for the construction of building for High School at Pydikonda Village, East Godavari District in pursuant to G.O.Ms.No.231 dated 03.09.1994. Even in the letter addressed by the 4th respondent to the 2nd respondent, it is clearly stated that there is no building in existence and also that by the time petitioner paid Rs.1,50,000/- during the month of August, 2004, G.O.Ms.No.162, dated 14.11.2004 has not been issued by the Government. After payment of Rs.1,50,000/- also, petitioner also paid an amount of Rs.75,000/- on 18.02.2007 vide cheque No.107443 which was

also accepted by the 4th respondent. Though the Government issued G.O.Ms.No.162, dated 14.11.2004, by virtue of which, who came forward to donate any asset i.e., either land/building/money worth about 10.00 lakhs for a High School or above in favour of Government of A.P for the purpose of setting up of a School or renovating a school or providing necessary infrastructure to the school, the asset so created with the amount/building or land shall be named after the individual donor or in any name proposed by him, but by the time the aforesaid G.O is issued, the petitioner had paid more than 25% of the estimated cost of the building. The said aspect has not been considered by the 1st respondent while issuing impugned Memo dated 26.04.2011. It goes without saying that the 1st respondent had not applied his mind while issuing the impugned Memo. The donation was received by the respondents in terms of G.O.Ms.No.231, dated 03.09.1994 and the same were not returned. Even in the year 2007 also, an amount of Rs.75,000/- was received by the respondents and 4th respondent also recommended for naming the school in the name of the son of the petitioner, the same has not been considered by the 1st respondent and erroneously issued impugned Memo, dated 26.04.2011.

8. During the course of arguments, when this Court sought willingness of the petitioner to pay any additional amount apart from the amounts already donated, learned counsel for the petitioner submits that the petitioner will be able to pay another Rs.4,00,000/- in addition to the amounts already paid by the petitioner.

In view of the above facts and circumstances, the impugned Memo dated 26.04.2011 is set aside and the respondents are directed to name the High School building as SEERAM RAMANAND MEMORIAL ZILLA PARISHAD HIGH SCHOOL, Pydikonda, East Godavari District, on condition of the petitioner paying Rs.4,00,000/- in addition to the amounts already paid by him for construction of High School building at Pydikonda. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

Accordingly, this writ petition is allowed. There shall be no order as to costs. As a sequel to the disposal of these writ petitions, miscellaneous petitions, if any, pending shall stand disposed of.



A.RAJASHEKER REDDY,J

04-07-2017
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