

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.39888 of 2017

ORDER:

Heard Sri C.Sunil Kumar Reddy for petitioner, the Assistant Government Pleader for School Education and Sri Kasa Jagan Mohan Reddy for 8th respondent.

The petitioner challenges proceedings Rc.No.7514/C2/2014, dated 06.11.2017 as violative of Section 24(4) of the A.P. Education Act, 1982 (for short 'the Act').

Section 24(4) of the Act reads as follows :-

"The competent authority may, for reasons to be recorded in writing, declare a person to be unfit to be the manager of a private institution after giving to such person an opportunity of making his representation against such declaration and under intimation to the management and on such declaration, the person aforesaid shall cease to be the manager of the private institution and the management of such institution shall nominate another person as a manager in his place in accordance with the provisions of sub-section (2).".

The operative portion of the impugned proceedings reads thus :-

"The reply of the Correspondent of the Schools is not satisfactory and not feasible for consideration as she has not obeyed the orders of the higher authorities.

Keeping in view of the above circumstances, Smt O.Subbamma, SSS Aided P.S, Cumbum and Pavipadu is hereby suspended from Correspondent ship with immediate effect as per Section 24 of Act 1 of 1982. The Mandal Educational Officer, Cumbum appointed as Special officer of the above two schools to look after the administrative functioning of the schools and to avoid hardship to the teachers working in the schools."

Sri Sunil Kumar Reddy contends that the petitioner is not afforded opportunity as provided by Section 24(4) of the Act. He takes serious objection to the appointment of a Special Officer, for under Section 24(4) of the Act, the competent authority can declare a person as unfit if circumstances warrant and intimate the same to Management. Thereafter, the Management is entitled to recommend a substitute as correspondent. In the case on hand, according to him, the 3rd respondent does not have jurisdiction particularly in the fact situation of the case to appoint a Special Officer to the Educational Institution run by the petitioner Management.

The Assistant Government Pleader firstly justifies the order by referring to the reasons assigned in the proceedings impugned and secondly submits that the circumstances of the case warrant suitable orders against the petitioner and in fact the order is justifiable, but if the proceedings impugned in the writ petition are contravening Section 24(4) of the Act, he submits that the impugned proceeding can be set aside and the matter may be remitted to 3rd respondent for consideration and disposal afresh.

Sri Kasa Jagan Mohan Reddy placing reliance on the earlier orders of the Court or Department and the conduct of petitioner submits that the Teachers are denied of their livelihood on account of inefficient and incompetent approach by the Management and the petitioner. Even he refers to an omission i.e., 3rd respondent

ought to have passed a comprehensive order on the salaries payable to respondent Nos.8 and 9 in the proceedings impugned in the writ petition.

Mr. Kasa Jagan Mohan Reddy submits that if the Court is inclined to remit the matter to 3rd respondent, reasonable time may be prescribed and a further direction issued to 3rd respondent to pass a comprehensive order.

The submissions are noted.

This Court is of the view that the proceedings impugned in the writ petition do not conform to Section 24(4) of the Act. The proceedings impugned in the writ petition are set aside and the matter is remitted to 3rd respondent for consideration and disposal, afresh in accordance with law. It is further held that the 3rd respondent passes a comprehensive order on the grievance of respondents 8 and 9 as well, while disposing of the matter. The said exercise shall be completed within four weeks from the date of receipt of a copy of this order.

The writ petition is ordered, as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 04-12-2017

Note:

Issue C.C. in one week

(B/o)

Prv

