

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2870 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the proceedings issued by the 1st respondent vide G.O.Rt.No.561 Education (PS.2) Department, dated 17.8.2006 authorizing the 2nd respondent to hand over the management of SGRK High School, Gudivada to the SGRK Town High School Old Students' Association, as illegal, arbitrary, and contrary to the provisions of the Education Act, and consequently, to set aside the same.

2. Heard Sri K. Ananda Rao, learned Counsel for the petitioners; learned Government Pleader for Education and Sri M. Surender Rao, for the respondents.

3. It is the case of the petitioners that Town High School, Gudivada was established in the year 1961 and it was registered with Regd.No.36/1961, under the Societies Registration Act, 1860, by 11 members and the said members donated their personal properties with a noble object of establishing the school and they have started the educational society and Town High School, Gudivada, and within a short time, the Town High School, Gudivada earned a very decent reputation in the locality. When the original donors, who were

permanent members of the society, were not in a position to manage the school and the majority of the original owners expired, at request of one of the original owners, the school was taken over by the State Government by exercising its power under Section 60 of the A.P. Education Act. The school was taken over by the State Government, and a Special Officer was appointed to manage the affairs of the school, and aggrieved by the same, the then President of the High School B. Ramabrahmam filed W.P.No.6898 of 1998 challenging the action of the State Government in taking over the management of the Town High School, Gudivada. The said W.P.No.6898 of 1998 was dismissed for default and thereafter, restoration application was filed and finally, the said W.P. was dismissed as infructuous on 8.2.2007. When the Special Officer was taking care of the school, the State Government vide the impugned order i.e., G.O.Rt.No.561 dated 17.8.2006, is taking steps to hand over the school to the 5th respondent. In those set of circumstances, the present writ petition is filed.

4. Further, the person, who is representing the petitioner-High School committee, is claiming to be the President of the petitioner and he contended that his father was one of the donors of the school and the affairs of the school should be handed over to him as he is the legally elected President of the petitioner-High School committee.

5. On 15.2.2007, while admitting this writ petition, this Court granted interim suspension. By virtue of the said interlocutory order, the State Government could not hand over the management of the high school to the 5th respondent. At present, the school in question is being managed by the Special Officer appointed by the State Government.

6. The learned Government Pleader for Education contended that the petitioner has no locus standi to challenge the orders issued by the State Government in G.O.Rt.No.561, dated 17.8.2006, and that as per the bye-laws, the donor should nominate the successors to manage the affairs of the school, and in the instant case, the father of the petitioner expired long back, and during his life time, he has not nominated the petitioner as successor to manage the affairs of the high school and in the absence of the same, the petitioner is not entitled to claim interest in the school in question, and the writ petition is liable to be dismissed.

7. Having considered the submissions made by the parties and the material available on record, this Court is of the view that the State Government shall manage the affairs of the Town High School Committee till successors of Town High School Gudivada are identified. The successors can be identified either by way of any legal proceedings or by a new committee

being elected in terms of the bye-laws of the society. However, in case anybody claims to be the successors of the donors of the school in question, then, the State Government shall hand over the affairs of the school to such successors of the donors of the society, in accordance with bye-laws. Meanwhile, it is always open to the State Government to manage the affairs of the Town High School in its interest either managing by itself or through the Municipal Corporation concerned, for an effective functioning of the school as well as its administration.

8. It is also made clear that in case, no successors of the donors of the school in question as per the bye-laws, come forward or if no successors are identified, then, the State Government is at liberty to hand over the school to appropriate body, who is interested and capable of managing the affairs of the school in question, not only in the interest of the pupil but also in the interest of an effective functioning and administration of the school in question.

9. Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 29.8.2018.
Nn.

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29/08/2018

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