

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No.1192 of 2018

Judgment: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the appellant-writ petitioner and the learned counsel for the contesting private respondent, who is the younger brother of the appellant. We have also heard the learned Government Pleader.

2. The National Aided Upper Primary School, Repalle, Guntur District, was established by the grandfather of the petitioner and the 3rd respondent. The founder, Dasari Paripurnaiah was succeeded by his son, Babu Rao, the father of the petitioner and the 3rd respondent. Paripurnaiah managed the school till 1978. On his demise, Babu Rao, took over and continued till 2011. When he became old, he thought it necessary, and accordingly, addressed a communication to the Department of Education for change of Manager in terms of the provisions of Section 24 of the A.P. Education Act, 1982. The Correspondentship was transferred and the 3rd respondent, the younger son of Babu Rao started working as the Manager of the School. The petitioner, who is the elder son of Babu Rao felt aggrieved and carried the matter before the Collector and District Magistrate. That was repelled. The plea of the petitioner that the father chose his younger son in preference to the petitioner for *mala fide* reasons did not find favor. Not only that, the Collector and District Magistrate excused himself from exercising authority in that matter obviously because the statutory power did not enjoin any such authority on that Officer.

3. Refuting the challenge levied by the appellant, the learned Single Judge, making reference to the decision of this Court in **K. Rama Sastry vs. Government of Andhra Pradesh and others**¹ and other judicial precedents having bearing on the issue, held that there is no provision in the A.P.

¹ 2000(5) ALD 601

Education Act for transfer of management of any school on heritable principle and the Managing Committee is empowered to nominate a person as and when required. The plea of the appellant-writ petitioner that he being the elder son of Babu Rao was entitled to be the first descendant-manager was thus repelled.

4. We do not find any illegality, jurisdictional error or unreasonableness in the interpretation and application of the precedents of law to the facts of the case in hand.

5. The learned counsel for the appellant, however, stressed the plea that the appellant, who is not only biologically elder to the 3rd respondent, but was also experienced in as much as he had toiled along with his father to bring up the school to the level it has attained. To succeed to the office as Manager of such an institution, confidence in the mind of the committee which manages it is of prime importance. It was obviously with the father, to make an appropriate choice in the larger interest of the institution, which he was handing down for management. He was entitled to do so. He had chosen his younger son, for reasons best known to him. That is not a matter for judicial review. It is also not for us to say as to who among the sons, either by competence and for other good reasons, ought to have weighed with the father, to be chosen as his successor as the Manager of the School. This plea is also repelled.

6. In the result, this appeal fails and is, accordingly, dismissed.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

Date: 10th September, 2018
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