

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.18690 of 2015

ORDER:

Heard Sri K.V.Subba Reddy, learned counsel for the petitioner and the learned Government Pleader for Education for respondents 1 to 4 and Sri Karra Srinivasulu for respondent No.5.

This writ petition is filed with the following relief:

“.....writ of mandamus in not taking the suitable action against 5th respondent in pursuant of the show cause notice dated 08.10.2013 issued by the 3rd respondent to 5th respondent for shifting of the college from one place to another without obtaining prior permission from the competent authority is bad, illegal, arbitrary and unconstitutional, consequently direct the 3rd respondent to take action against the 5th respondent in pursuant to the show cause notice dated 08.10.2013 and cancel the affiliation/recognition of the 5th respondent college for shifting the college without obtaining prior permission from competent authority.....”

The sum and substance of the case of the petitioner herein is that without prior permission of the competent authority, the management of the 5th respondent college shifted the college premises where the petitioners are running the college and despite the show cause notice issued as long back on 08.10.2013, the respondent authorities are not taking any further action. Basing on the complaint made by the petitioner vide proceedings Rc.No.Admn.II-1/8513/2013 dated 08.10.2013, the Commissioner of Intermediate Education called upon the 5th respondent herein to submit explanation by pointing out the violation of rules while shifting the college. Admittedly in response to the said show cause notice, on 28.10.2014, 5th respondent herein submitted explanation. Instead of deciding the issue, the respondent authorities addressed a

letter to the District Collector on 30.10.2014 and on the ground that report is awaited from the District Collector, the respondent authorities are not taking further action to the notice dated 08.10.2013. No provision of law is brought to the notice of this Court, which enables the respondent authorities to address the such letter to the District Collector.

Having issued the show cause notice as long back on 08.10.2013 and having acknowledged the explanation dated 28.10.2014 of the 5th respondent herein, this Court finds no justification on the part of the official respondents herein in not passing the final orders pursuant to show cause notice dated 08.10.2013.

In view of the same, the Writ Petition is disposed of, directing the official respondents herein to pass final orders, after taking into consideration the explanation dated 28.10.2014 submitted by the 5th respondent herein as expeditiously as possible within a period of six (06) weeks from the date of receipt of copy of this order, after hearing all the stakeholders. There shall be no order as to costs.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date :30.10.2018
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