

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.43465 OF 2018

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader for Education, apart from perusing the entire material on record.

A memo, bearing No.784043/CE/2018, dated 06.11.2018, issued by the Special Chief Secretary to Government, State of Andhra Pradesh, asking the Commissioner of Collegiate Education, Vijayawada, to hand over possession of Ac.1.00 of land, in Sy.No.775/D1 of Kallur Village in the premises of KVR Government Degree college, Kurnool, to the Commissioner of Intermediate Education, Andhra Pradesh, Guntur, is under challenge in the present Writ Petition.

The grievance of the petitioners, who are pursuing graduation in KVR Government college, is that, if Ac.1.00 of land, as directed vide impugned Memo, is handed over to the Commissioner of Intermediate Education, there will be no lung space for the students who are prosecuting their studies in the degree college. It is also the case of the petitioners herein that the impugned Memo has been issued by the first respondent herein without taking into consideration the letter bearing Rc.No.129/NP-1/2013, dated 13.02.2014, addressed by the Commissioner of Collegiate Education, Andhra Pradesh, Vijayawada-third respondent herein to the Collector

and District Magistrate, Kurnool-second respondent herein. It is also brought to the notice of this Court that, in the said letter, the Commissioner of Collegiate Education-third respondent herein made it clear that it would not be feasible to allot land for construction of the college building.

The material available on record discloses that, earlier, the issues pertaining to the institution fell for consideration before this Court in P.I.L.No.285 of 2015 and a Division Bench of this Court disposed of the said P.I.L. by way of an order, dated 28.03.2016, and the operative portion of which, at paragraph No.5, reads as under:

"5. Taking due note of submissions made by learned Amicus Curiae, the following directions are issued:

(a) The Principal Secretary, Higher Education, and the Principal Secretary, Department of School Education, State of Andhra Pradesh are directed to immediately review the facilities available in the Government schools and colleges in Kurnool district and consider the proposals submitted by the District Collector and act upon said proposals within a time frame and at any rate within a period of two months from the date of receipt of copy of this order.

(b) The District Collector, Kurnool is directed to ensure that water is provided to wash rooms and wash rooms are maintained properly in Government as well as private schools and colleges in the District. He shall also ensure provision of drinking water round the year.

(c) The District Collector shall constitute a committee of officers at the District level under his supervision to continuously monitor the provision of basic minimum facilities in the Government schools and colleges

in the District. He shall pay particular attention to girls schools and colleges.

(d) The Principal Secretary to Government, Higher Education shall take immediate steps to allocate Ac.1.00 of land now forming part of Government Degree College, Kurnool to Government Junior College for Girls, Kurnool.

(e The District Collector shall pursue with the Government to secure necessary administrative sanction for construction of college and hostel buildings for the Government Junior College for Girls in Kurnool and other facilities required to strength the Government schools and colleges in Kurnool District and to ensure that proper environment is created to the students prosecuting education in Government schools and colleges”

Obviously, as a consequence of the directions issued by the Division Bench of this Court, at paragraph No.5 (d) of the order in P.I.I.No.285 of 2015, the first respondent herein issued the impugned Memo. Therefore, this Court is not inclined to entertain the present Writ Petition.

Accordingly, Writ Petition is dismissed. There shall be no order as to costs.

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

30th November, 2018
Tsy

A.V.SESHA SAI,J