

(2004) 02 AP CK 0008

Andhra Pradesh High Court

Case No: Writ Appeal No. 201 of 2004

Sri Victoria Aided Upper Primary
School Society

APPELLANT

Vs

P. Jagannatha Rao and Others

RESPONDENT

Date of Decision: Feb. 13, 2004

Acts Referred:

- Andhra Pradesh Education Act, 1982 - Section 24

Citation: (2004) 2 ALT 456

Hon'ble Judges: K.C. Bhanu, J; B. Sudershan Reddy, J

Bench: Division Bench

Advocate: T.V.S. Prabhakara Rao, for the Appellant; D. Sudarshan Reddy, for Respondent No. 1, Govt. Pleader for Education for Respondent Nos. 2 to 4 and A. Balabharati, for Respondent 5, for the Respondent

Final Decision: Dismissed

Judgement

B. Sudershan Reddy, J.

The learned Single Judge, in our considered opinion, rightly interfered with the impugned order dated 01-12-2002 of the second respondent herein on the simple ground that it has not been preceded by an opportunity to the first respondent-writ petitioner. The learned Single Judge came to the correct conclusion that the order dated 01-12-2002 has resulted in serious civil consequences so far as the first respondent-writ petitioner is concerned. The learned Single Judge took the view that the change of correspondentship could not have been approved in favour of the 5th respondent herein with effect from 20-10-2002, under the impugned order. The learned Single Judge did not express any opinion whatsoever with regard to claim of any of the parties for being appointed as correspondent of the institution in question. On the other hand the learned Single Judge granted liberty to the second respondent-Commissioner and Director of School Education to afford an opportunity to the first respondent-writ petitioner before taking any action u/s 24 of

the A.P. Education Act, 1982. The order, in our considered opinion, does not suffer from any infirmity.

2. Sri P. Venugopal, learned Counsel for the appellant, however, contended that the respondent-writ petitioner obtained such an order from this Court without impleading the appellant herein who is not only a proper but also a necessary party. We are required to appreciate that in the place of the first respondent-writ petitioner, the 5th respondent herein was sought to be inducted as a correspondent of the institution and he has been impleaded as a party in the writ petition. The 5th respondent herein having suffered the order did not challenge the same perhaps for the reason that the learned Judge did not adjudicate the issue relating to appointment of the correspondent. The learned Single Judge quashed the impugned order passed by the second respondent-Commissioner and Director of School Education, on the ground of infringement of principles of natural justice. Neither the authority who passed the order nor the beneficiary of the impugned order is before us. In our considered opinion, the appellant herein is indulging in speculative litigation without any just or reasonable cause.

3. However, there is a controversy between the parties as to whether the appellant herein had already appeared before the competent authority in the enquiry that was held pursuant to the orders passed by this Court and, in the circumstances, we do not propose to express and resolve the said controversy as to whether the appellant, in fact, appeared before the competent authority. It shall always be open to the appellant-society to appear before the competent authority, if it so chooses and make its objections, if any, in the matter.

4. With the observations as above, the writ appeal shall stand dismissed. No order as to costs.