

(1992) 04 AP CK 0007

In the Andhra Pradesh High Court

Case No : Writ Petition No. 4542 of 1992

C. Panduranga Murthy and Another

APPELLANT

Vs

Govt. of A.P. and Others

RESPONDENT

Date of Decision : 24-04-1992

Acts Referred:

Andhra Pradesh Public Libraries Act, 1960 — Section 10
Constitution of India, 1950 — Article 226

Citation : (1993) 1 ALT 169

Hon'ble Judges : S.C. Pratap, C.J;B. Subhashan Reddy, J

Bench : Division Bench

Advocate : M. Narasinga Rao, for the Appellant; Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

1. The relief sought in this petition under Article 226 of the Constitution is to the effect that the nominations of new Chairman made on 25th March, 1992 for the Zilla Grandhalaya Samastha of Anantapur and Krishna Dist. in the place of the present petitioners be declared to be illegal, arbitrary and contrary to the provisions of the A.P. Public Libraries Act, 1960.

2. u/s 10 of the said Act, the State Government is competent to nominate members for the Zilla Grandhalaya Samstha for twin cities of Hyderabad and Secunderabad and for the Zilla Grandhalaya Samstha for each district. Out of the members of the Zilla Grandhalaya Samastha so nominated, one non-official member is nominated as the Chairman thereof. The original term of office of the Chairman and Members was five years from the date of their nomination or election, as the case may be. Subsequently, the said tenure was, by Amendment Act 13 of 1987, reduced to three years. The petitioners were nominated on 2nd August, 1988. The period of nomination, which was undisputedly three years, expired on 1st August, 1991. They had, therefore, no legal right to continue thereafter. There is a world of difference between a nominated member and one

holding a directly elected office.

3. Contention, however, is that the petitioners are nevertheless entitled to continue even after the nominated period of three years because by Amendment Act 16 of 1990, the said period stood substituted by "during the pleasure of the Governor". And the Governor not having exercised his pleasure qua the petitioners, they stood continued. We are unable to agree. The Amendment Act supra does not enable the petitioners to continue in office beyond their nominated tenure. The said Act does not intend to confer additional tenure or term on those earlier nominated for a fixed period. Further contention that the termination of the term was akin to termination as a matter of disciplinary action has also no merit therein. There is, in the instant case, no question of any disciplinary action. Nor is there any stigma or any adverse reflection. The situation in substance and reality is one not of termination but of expiry simpliciter of the nominated period by the efflux of time. The said period having run its full course, there is no legal right to "even" so continue thereafter.

4. It is submitted that there are no guidelines qua the manner in which the pleasure of the Governor has to be exercised. It is not necessary in this case to go into the said question. The petitioners have enjoyed their full term. In fact, they have far outlived their tenure. There is no subsisting or surviving legal right in them enforceable in this Court's writ jurisdiction.

5. Before parting, it may incidentally be noted that while giving interim directions, the learned single Judge had expressly observed that the said direction will not preclude the Government from taking appropriate action according to law under the Amended Act. Exercising this liberty, orders were issued nominating fresh persons. We see nothing invalid or illegal in the said action of the State Government.

6. In all the circumstances, we see no good reason to interfere. This petition thus fails and the same is dismissed. Interim orders stand vacated. No order as to costs. Advocate's fee Rs. 300/-.